

No. 11530

IN THE

United States Circuit Court of Appeals

FOR THE NINTH CIRCUIT

HERMAN HAYMAN,

Appellant,

vs.

UNITED STATES OF AMERICA,

Appellee.

TRANSCRIPT OF RECORD

Upon Appeal from the District Court of the United States
for the Southern District of California,
Central Division

FILED

JUN 13 1947

PAUL F. O'BRIEN,
CLERK

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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in italics; and likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible an omission from the text is indicated by printing in italics the two words between which the omission seems to occur.]

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NAMES AND ADDRESSES OF ATTORNEYS:

For Appellant:

WALTER L. GORDON, JR.

4104 South Central Avenue
Los Angeles 11, Calif.

For Appellee:

JAMES M. CARTER

U. S. Attorney

ERNEST A. TOLIN

WILLIAM L. RITZI

Assistants U. S. Attorney

600 U. S. Post Office and Court House Building
Los Angeles 12, Calif. [1*]

In the District Court of the United States in and for the
Southern District of California
Central Division

September, 1946, Term

No. 19036

UNITED STATES OF AMERICA,

Plaintiff,

v.

HERMAN HAYMAN,

Defendant.

INDICTMENT

[U. S. C., Title 18, Secs. 78, 73, and 88—Personation of holder of government obligation, forging and uttering government check, and conspiracy]

The grand jury charges:

COUNT ONE

[U. S. C., Title 18, Sec. 78]

On or about March 26, 1946, at Los Angeles, Los Angeles County, California, within the Central Division of the Southern District of California, defendant Herman Hayman did falsely personate one Samuel T. Thompson, a true and lawful holder of a debt of, and due from, the United States, to-wit: a United States Treasury check, in words and figures as follows: [2]

Please: This check is presented for payment within one year beginning July 1, next, after date of issue (U. S. Code, Title 31, Section 3526) should be sent by the owner direct to the Secretary of the Treasury who requires the payment after settlement of account.

The payee should endorse below in ink or indelible pencil.

If the endorsement is made by mark (X) it must be witnessed by two persons who can write, giving their places of residence in full.

Samuel T. Thompson
1931 W. 26th Street
Los Angeles, Calif.
Thompson

LOS ANGELES BRANCH
 FEDERAL RESERVE BANK
 OF SAN FRANCISCO
 MAR 28 1946
 MAR 27 1946
 PAY TO THE ORDER OF
 ANY BANK OR BANKER
 OR THROUGH
 LOS ANGELES CLEAR
 ALL FUND INDICATED
 Security-First N
 16-3 C-1

WAR
FINANCE



Treasurer of the United States

2-7-520

FORT MACARTHUR, CALIF.,

W-27

728, 823

PAY One Hundred

Dollars \$100⁰⁰/₁₀₀

TO THE
ORDER OF

SAMUEL T THOMPSON

24 MARCH 1946

39723941 SGT

1931 W 26 ST
LOS ANGELES CALIF

No. 8515
WHICH DRAWN.

UNITED STATES AND
 U.S. FINANCE OFFICE
 Friedman

STAMPING OUT
PAY

KNOW YOUR ENDORSER—REQUIRE IDENTIFICATION

213,967

and under color of such false personation did receive and endeavor to receive the money of, and due to, the said true and lawful holder in payment of said debt. [3]

COUNT TWO

[U. S. C., Title 18, Sec. 73]

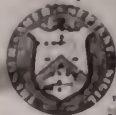
On or about March 26, 1946, at Los Angeles, Los Angeles County, California, within the Central Division of the Southern District of California, defendant Herman Hayman did falsely make, forge, and counterfeit, and cause and procure to be falsely made, forged, and counterfeited, a certain writing, to-wit: the endorsement and signature of the payee of a United States Treasury check, in words and figures as follows:

WAR

FORT MACARTHUR CALIF.

W-27

723.8



Treasury of the United States

13-51
000

PAY

One Hundred

Dollars \$100

SAMUEL T. THOMPSON

30723941 BGT

24 MARCH 1951

1951 W 26 ST
LOS ANGELES CALIF

0
13-51
000

Thompson

1.51185 100

213.90

[KNOW YOUR ENDORSER—REQUIRE IDENTIFICATION]

2-7-2
Unless this check is presented for payment within one year beginning July 1, next, after date of issue (U. S. Code, Title 31, Section 7251) it should be sent by the owner direct to the Secretary of the Treasury and request for payment after settlement of account.

The payee should guide the following in ink or indelible pencil.

If the endorsement is made by mark (X) it must be witnessed by two persons who can write, giving their places of residence in full.

Samuel J. Thompson
1931 W. 26th Street

Los Angeles, Calif.

Phillip Thompson

LOS ANGELES BRANCH
FEDERAL RESERVE BANK
OF THE UNITED STATES

MAR 28 1931

128 Center & Madison Streets
16-101

MAR 27 1931
PAY TO THE ORDER OF
ANY BANK OR BANKER
OR THROUGH
LOS ANGELES CLEARING
ALL ENDORSEMENTS
Security-Main
116-3 C 1

[4]

for the purpose of obtaining and receiving and of enabling certain other persons, whose names are to the grand jury unknown, to obtain and receive from the United States and its officers and agents the sum of \$100.00. [5]

COUNT THREE

[U. S. C., Title 18, Sec. 73]

On or about March 26, 1946, at Los Angeles, Los Angeles County, California, within the Central Division of the Southern District of California, defendant Herman Hayman did utter and publish as true, and cause to be uttered and published as true, a false, forged, and counterfeited writing, to-wit: the endorsement and signature of the payee of a United States Treasury check, in words and figures as follows:

728, 82

\$100⁰⁰/₁₀₀

4 MARCH 194

ED-STATES-AN

Friedman

EAT-CE FINANCE OF

213,967

W

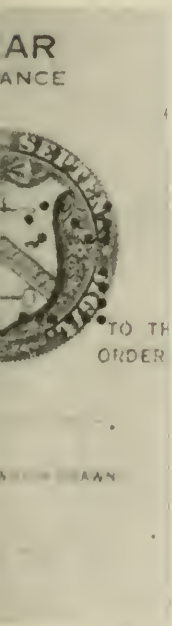
[6]

with intent to defraud the United States, knowing said writing to be false, forged, and counterfeited. [7]

COUNT FOUR

[U. S. C., Title 18, Sec. 73]

On or about March 6, 1946, at Los Angeles, Los Angeles County, California, within the Central Division of the Southern District of California, defendant Herman Hayman did falsely make, forge, and counterfeit, and cause and procure to be falsely made, forged, and counterfeited, a certain writing, to-wit: the endorsement and signature of the payee of a United States Treasury check, in words and figures as follows:



2004

27-ص

728.8



513

MUSKINGO OUT
TAY

Treasurer of the United States ¹⁵⁻³¹/₀₀₀
$$\frac{15.5}{000}$$

• • PAY

The Hundred

RANSEL T THOMPSON

34723041 BGT

1931 W 26 ST
LOS ANGELES CALIF

Dollars \$100-

24 MARCH 1944

CHILD STAFF

15. *Thudra*

一、五、二、三、四

213.94

KNOW YOUR ENDORSER—REQUIRE IDENTIFICATION

James Thompson
1810 - 1860
New York - Calif.

LOS ANGELES BRANCH
FEB 28 1967
FEDERAL RESERVE BANK OF LOS ANGELES
AT LOS ANGELES, CALIF.

100-100000-1
16-101
MAR 27 1968
NOT TO THE CROSS
BANK OF AMERICA
ALL INFORMATION
RECEIVED

WAR
FINANCE

CAMP BEALE, CALIF.

351,100

Treasurer of the United States ¹⁵⁻⁵¹/₀₀₀

EB 28 1946

PAY

*****282 DOLLARS AND 50 CTS

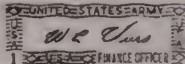
*****282.50

1ST. LT. CHARLES A. STEBUN

1615 E. 47TH. ST.,
LOS ANGELES, CALIF.

YOU NO

25392



ORIG FMT ON YOU 2151-1 JAN 46 ACCTS

213,767

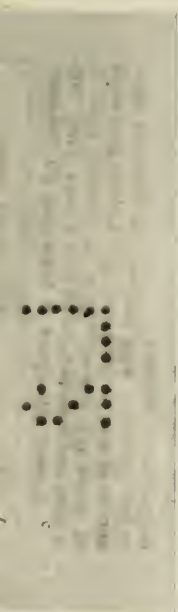
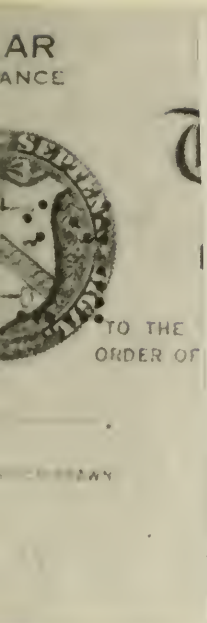
KNOW YOUR ENDORSER—REQUIRE IDENTIFICATION

for the purpose of obtaining and receiving and of enabling certain other persons, whose names are to the grand jury unknown, to obtain and receive from the United [8] States and its officers and agents the sum of \$282.50. [9]

COUNT FIVE

[U. S. C., Title 18, Sec. 73]

On or about March 6, 1946, at Los Angeles, Los Angeles County, California, within the Central Division of the Southern District of California, defendant Herman Hayman did utter and publish as true, and cause to be uttered and published as true, a false, forged, and counterfeited writing, to-wit: the endorsement and signature of the payee of a United States Treasury check, in words and figures as follows:



with intent to defraud the United States, knowing said writing to be false, forged, and counterfeited. [10]

0 2 5 5

3

Charles V. Wetmore

Gloria W. Wetmore

1615

47th St.

AM. BUREAU OF BIRDS
1000 10th Ave. N.Y.C. 17
11-31-36

5-1-36
11-31-36

VAR
ANCE

CAMP BEALE, CALIF.

351,100

Treasurer of the United States

15-51
000

EB 28 1946

PAY

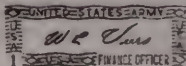
*****282 DOLLARS AND 50 CENTS

*****282.50

1ST. LT. CHARL. A. WILSON

YOU NO
45392

1615 E. 47TH. ST.,
LOS ANGELES, CALIF.



ORIG FMT ON YOU 21501-1 JAN 46 ACCTS

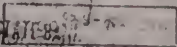
213,767

KNOW YOUR ENDORSER—REQUIRE IDENTIFICATION

Charles A. Wilton

Gloria W. Wilson

1615



COUNT SIX

[U. S. C., Title 18, Sec. 88]

Prior to the date of the commission of the overt acts hereinafter set forth and continuously thereafter to and including the date of the finding and presentation of this indictment in Los Angeles County, California, defendant Herman Hayman did corruptly conspire with Dorothy McClain, named as co-conspirator but unindicted herein, and with other persons, whose names are to the grand jury unknown, to commit certain offenses against the United States of America and the laws thereof, to-wit: (1) to make, forge, and counterfeit, and cause and procure to be falsely made, forged, and counterfeited, a certain writing, to-wit: the endorsement and signature of the payee of United State Treasury check numbered 351,100, dated February 28, 1946, payable to Lt. Charles A. Wilbun in the sum of \$282.50, for the purpose of obtaining and receiving and of enabling certain other persons, whose names are to the grand jury unknown, to obtain and receive from the United States and its officers and agents the sum of \$282.50; and (2) to utter and publish as true, and cause to be uttered and published as true, a false, forged, and counterfeited writing, to-wit: the endorsement and signature of the payee of the United States Treasury check described above in this count, with intent to defraud the United States, knowing said writing to be false, forged, and counterfeited;

After the formation, and in furtherance, of said conspiracy and to effect the objects and purposes thereof, the defendant and co-conspirator did commit various overt acts, among which were the following:

(1) On or about March 6, 1946, at Los Angeles, California, defendant Herman Hayman accompanied co-conspirator Dorothy McClain to the Goodwin Shoe Store;

(2) On or about March 6, 1946, at Los Angeles, California, co-conspirator Dorothy McClain forged the payee's name: Charles A. Wilbun, on the United States Treasury check described above in this count;

(3) On or about March 6, 1946, at Los Angeles, California, co-conspirator Dorothy McClain presented for payment to the Goodwin Shoe Store [11] the United States Treasury check described above in this count.

A True Bill

RAY H. MORSE

Foreman

JAMES M. CARTER

United States Attorney

[Endorsed]: Filed Nov. 20, 1946. [12]

[Minutes: Monday, December 2, 1946]

Present: The Honorable Peirson M. Hall, District Judge.

This cause coming on for arraignment and plea of defendant Herman Hayman; R. H. Kinnison, Assistant U. S. Attorney, appearing as counsel for the Government; Anthony Entenza, Esq., appearing as counsel for the said defendant, who is present on bond:

The defendant states his true name is Herman Robert Hayman, and being informed that he is entitled to a jury trial and to be represented by counsel, and his attorney having waived reading of the Indictment, the defendant pleads not guilty to each of the six counts.

It is ordered that the cause is hereby set for trial before Judge Mathes January 7, 1947, at 10 A. M. [13]

[Minutes: Tuesday, January 7, 1947]

Present: The Honorable William C. Mathes, District Judge.

This cause coming on for trial of the defendant Herman Robert Hayman; Wm. L. Ritzi, Esq., Asst. U. S. Attorney, appearing for the Government; Anthony Entenza, Esq., appearing for the defendant; the defendant being present on bond. Jury waiver is signed and filed.

Attorney Ritzi makes opening statement for the Government.

Samuel T. Thompson, Charles A. Wilbun, Juanita Jackson and Dorothy McClain are respectively called, sworn, and testify for the Government.

U. S. Exhibits 1 and 5 are admitted into evidence and 2, 3, and 4 are marked for identification.

Court recesses to 1:30 P. M. Court reconvenes at 1:40 P. M.; all present as before. Witness Dorothy McClain resumes the stand and testifies further. The witness is excused.

Paul Chester Redd III is called, sworn, and testifies for the Government. U. S. Exhibit No. 6 is admitted into evidence.

Jackson H. Martin is called, sworn, and testifies for the Government. U. S. Exhibit 4 for identification is admitted into evidence.

S. Kendall Gibson is called, sworn, and testifies for the Government. U. S. Exhibits 2 and 3 for identification are admitted into evidence.

John S. Wells is called, sworn, and testifies for the Government. At 3:15 the Government rests. [15]

Herman Robert Hayman is called, sworn, and testifies in his own behalf. The defendant rests.

S. Kendall Gibson is recalled and testifies further for the Government. The Government rests. Argument is waived.

The Court finds the defendant guilty as charged in counts 1, 2, 3, 4, 5 and 6. The defendant is remanded to custody of the U. S. Marshal. It is ordered that this cause be, and it hereby is, referred to the Probation Officer for investigation and report and continued to January 20, 1947, at 1:30 P. M., for hearing and sentence. The Probation Officer's report is to be in the hands of the clerk preceding sentence. [16]

[Minutes: Monday, January 20, 1947]

Present: The Honorable William C. Mathes, District Judge.

This cause coming on for hearing report of the Probation Officer and for sentence of defendant Herman Hayman on the six counts of the Indictment; Wm. L. Ritzi, Assistant U. S. Attorney, appearing as counsel for the Government; A. P. Entenza, Esq., appearing as counsel for the said defendant, who is present in custody:

Attorney Ritzi recommends a penitentiary sentence.

The Court pronounces sentence upon the defendant and fines him as follows:

* * * * * [17]

District Court of the United States
Southern District of California, Central Division
No. 19036

Criminal indictment in six counts for violation of
U. S. C., Title 18, Secs. 78, 73 and 88

UNITED STATES

v.

HERMAN HAYMAN

JUDGMENT AND COMMITMENT

On this 20th day of January, 1947, came the United States Attorney, and the defendant Herman Hayman appearing in proper person, and with his counsel, A. P. Entenza, and,

The defendant having been convicted on trial by the court without a jury, jury trial having been waived, of

the offenses charged in the indictment in the above-entitled cause, to wit: that on or about March 26, 1946 at Los Angeles, California, he did falsely personate the holder of a debt due from the United States and did under such false personation receive the money due, and did forge and counterfeit the endorsements and signatures of the payees of Treasury checks of the United States and obtain the sums of money represented by said checks, and did utter and publish Treasury check No. 213,767, and did conspire to defraud the United States; and the defendant having been now asked whether he has anything to say why judgment should not be pronounced against him, and no sufficient cause to the contrary being shown or appearing to the Court, It Is by the Court

Ordered and Adjudged that the defendant, having been found guilty of said offenses, is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for the period of ten years in an institution to be selected by the Attorney General of the United States, and pay to the United States a fine of \$2,000 for the offense charged in Count One of the indictment; and be further imprisoned for a period of ten years, and pay to the United States a fine of \$2,000 for the offense charged in Count Two of the indictment; and be further imprisoned for a period of ten years, and pay to the United States a fine of \$2,000 for the offense charged in Count Three of the indictment; and be further imprisoned for a period of ten years, and pay to the United States a fine of \$2,000 for the offense charged in Count Four of the indictment; and be further imprisoned for a period of ten years, and pay to the United States a fine of \$2,000 for the offense charged in Count Five of the indictment.

It Is Further Ordered and Adjudged that the ten-year periods of imprisonment imposed under Count One and Count Two of the indictment shall run Consecutively, and that the ten-year periods of imprisonment imposed under Counts Three, Four and Five of the indictment shall all commence and run concurrently with the ten-year period of imprisonment imposed under Count Two of the indictment, so that the total period of imprisonment shall be twenty years.

It Is Further Ordered that the defendant pay to the United States a fine of \$10,000 for the offense charged in Count Six of the indictment, and that payment of a total fine of \$10,000 shall fully satisfy all fines imposed under Counts One to Six inclusive of the indictment.

It Is Further Ordered that the defendant be further imprisoned until the fine of \$10,000 is paid or he is discharged as provided by law.

It Is Further Ordered that the Clerk deliver a certified copy of this judgment and commitment to the United States Marshal or other qualified officer and that the same shall serve as the commitment herein.

(Signed) WM. C. MATHES

United States District Judge

The Court recommends commitment to

Filed

A True Copy. Certified this 20th day of January, 1947.

(Signed) EDMUND L. SMITH

Clerk,

(By) Louis J. Somers

Deputy Clerk [18]

[Minutes: Tuesday, February 18, 1947]

Present: The Honorable William C. Mathes, District Judge.

This cause coming on for correction of judgment and sentence of defendant Herman Hayman; R. H. Kinnison, Assistant U. S. Attorney, appearing as counsel for the Government; Walter L. Gordon, Jr., Esq., by E. S. Ragland, Esq., appearing as counsel for the said defendant, who is present in custody:

The Court imposes judgment as follows and orders that the same be entered nunc pro tunc as of January 20, 1947:

* * * * * [20]

District Court of the United States
Southern District of California, Central Division
No. 19036

Criminal indictment in six counts for violation of
U. S. C., Title 18, Secs. 78, 73 and 88

UNITED STATES

v.

HERMAN HAYMAN

JUDGMENT AND COMMITMENT

(Corrected pursuant to Rule 35)

On this 18th day of February, 1947, came the United States Attorney, and the defendant Herman Hayman appearing in proper person, and with his counsel, Walter L. Gordon, Jr. and E. S. Ragland, and,

The defendant having been convicted on trial by the court without a jury, jury trial having been waived, of the offenses charged in the indictment in the above-entitled cause, to wit: that on or about March 26, 1946 at Los Angeles, California, he did falsely personate the holder of a debt due from the United States and did under such false personation receive the money due, and did forge and counterfeit the endorsements and signatures of the payees of Treasury checks of the United States and obtain the sums of money represented by said checks, and did utter and publish Treasury check No. 213,767, and did conspire to defraud the United States; and the defendant having been now asked whether he has anything to say why judgment should not be pronounced against him, and no sufficient cause to the contrary being shown or appearing to the Court, It Is by the Court

Ordered and Adjudged that the defendant, having been found guilty of said offenses, is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for the period of ten years in an institution to be selected by the Attorney General of the United States or his authorized representative, and pay to the United States a fine of \$2,000 for the offense charged in Count One of the indictment; and be further imprisoned for a period of ten years, and pay to the United States a fine of \$1,000 for the offense charged in Count Two of the indictment; and be further imprisoned for a period of ten years, and pay to the United States a fine of \$1,000 for the offense charged in Count Three of the indictment; and be further imprisoned for a period of ten years, and pay to the United States a fine of \$1,000 for the offense charged in Count Four of the

indictment; and be further imprisoned for a period of ten years, and pay to the United States a fine of \$1,000 for the offense charged in Count Five of the indictment.

It Is Further Ordered and Adjudged that the ten-year periods of imprisonment imposed under Count One and Count Two of the indictment shall run Consecutively, and that the ten-year periods of imprisonment imposed under Counts Three, Four and Five of the indictment shall all commence and run concurrently with the ten-year period of imprisonment imposed under Count Two of the indictment, so that the total period of imprisonment shall be twenty years.

It is Further Ordered that the defendant pay to the United States a fine of \$10,000 for the offense charged in Count Six of the indictment, and that payment of a total fine of \$10,000 shall fully satisfy all fines imposed under Counts One to Six inclusive of the indictment.

It Is Further Ordered that the defendant be further imprisoned until the fine of \$10,000 is paid or he is otherwise discharged as provided by law.

It Is Further Ordered that this corrected sentence shall supersede the sentence imposed January 20, 1947; that this judgment shall be entered nunc pro tunc as of January 20, 1947; and that all sentences herein imposed shall commence and run from January 20, 1947.

It Is Further Ordered that the Clerk deliver a certified copy of this judgment and commitment to the United States Marshal or other qualified officer and that the same shall serve as the commitment herein.

(Signed) WM. C. MATHES

United States District Judge

The Court recommends commitment to

Filed

A True Copy. Certified this 18th day of February,
1947.

(Signed) EDMUND L. SMITH

Clerk,

(By) Louis J. Somers

Deputy Clerk [21]

[Title of District Court and Cause]

NOTICE OF APPEAL

Offense: Forgery

Date of Judgment: January 20, 1947

Judgment: Twenty years in prison

Confined: Los Angeles County Jail

The above named appellant hereby appeals to the United States Circuit Court of Appeals for the Ninth Judicial Circuit from the judgment above mentioned on the grounds set forth below:

HERMAN HAYMAN

Appellant

WALTER L. GORDON, JR.

Attorney for Appellant

Grounds of Appeal:

I.

Insufficiency of the evidence to justify the judgment of conviction. [22]

II.

The defendant did not have a fair trial.

III.

That defendant was not represented by counsel.

[Endorsed]: Filed Jan. 27, 1947. [23]

[Title of District Court and Cause]

STATEMENT OF POINTS

The appellant states that the points upon which he intends to rely on the appeal in this action are as follows:

1. The evidence is insufficient to support the judgment of conviction.
2. That the judgment is contrary to law.
3. That several of the counts were necessarily included offenses of the other.
4. The court erred in its decisions of matters of questions of law arising during the course of the trial.
5. The court erred in the admission of evidence.
6. The appellant was not properly represented by counsel.

WALTER L. GORDON, JR.


Attorney for Defendant [28]

[Affidavit of Service by Mail.]

[Endorsed]: Filed Feb. 25, 1947. [29]

[U. S. EXHIBIT NO. 1]

CIVILIAN PERSONAL IDENTIFICATION CARD

 Bernice Broun Name
3805 S. San Antonio Home Address
Los Angeles (11) Calif. City State
Los Angeles, Calif. Place of Birth Phone
1811 Date of Birth

SUBSCRIBED AND SWORN BEFORE ME


THIS 22 DAY OF Nov 1944
 MY COMMISSION EXPIRES Nov 19 1944
 NOTARY PUBLIC

DATE OF IDENTIFICATION

AGE	HEIGHT	WEIGHT	H.	EYES	DATE BIRTH
<u>23</u>	<u>5'6"</u>	<u>123</u>	<u>3.</u>	<u>B.</u>	<u>1/12/23</u>

Section 529 of the Penal Code of California prohibits the use of this card by any person other than the one named herein and whose picture appears hereon.

Bernice Broun RIGHT INDEX PRINT
 Signature of Card Bearer
3300 Vernon
 Employed By Macy's
 Address
 Social Security No. 341-72-6819
 No. California License
 Citizenship Status Am. Negro.



Case No. 19036. U. S. vs. Hayman. U. S. Exhibit No. 1. Date 1/7/47. No. 1 in Evidence. Clerk, U. S. District Court, Sou. Dist. of Calif. Louis J. Somers, Deputy Clerk. [31]

AR
ANCE

CAMP BEALE, CALIF.

351, 100

Treasurer of the United States

15-51
000

EB 28 1946

PAY

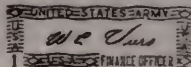
*****282 DOLLARS AND .50 CTS

*****282.50

181, LT. CHARLIE A. WILBURN

1615 E. 47TH. ST.,
LOS ANGELES, CALIF.

YOU NO
45392



ORIG FMT ON VOU 21501-1 JAN 46 ACCTS

213,767

KNOW YOUR ENDORSER—REQUIRE IDENTIFICATION

AR
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CAMP BEALE, CALIF.

351, 100

Treasurer of the United States

15-51
000

EB 28 1946

PAY

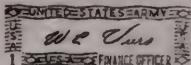
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213,767

KNOW YOUR ENDORSER—REQUIRE IDENTIFICATION

[U. S. EXHIBIT NO. 4]

United States



of America

General Accounting Office

Pursuant to the provisions of sections 306 and 311 (e) of the Budget and Accounting Act, 1921 (42 Stat. 24, 25; 31 U. S. C. 46, 52 (e)), and to 4 CFR (a), hereby certify that the annexed document, numbered W-27, is a

copy of the official document now on file in the General Accounting Office in the following case:

Samuel T. Thompson.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the General Accounting Office to be affixed this 19th day of December in the year 1946 at Washington.

By direction of the Comptroller General of the United States,

W. V. Miller
Chief Clerk.

General Accounting Office.



[34]

[35]

WAR
FINANCE

FORT MACARTHUR, CALIF.,

W-27

728, 823



Treasurer of the United States

15-51
000

PAY

One Hundred

Dollars **\$100**⁰⁰/₁₀₀

TO THE
ORDER OF

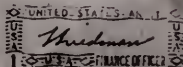
SAMUEL T THOMPSON

39723941 8GT

24 MARCH 1946

No. 8515

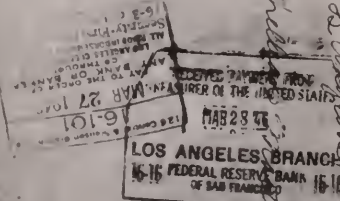
1931 W 26 ST
LOS ANGELES CALIF



DEPOSITING OUT
PAY

213,967

KNOW YOUR ENDORSER—REQUIRE IDENTIFICATION



Samuel T. Thompson
1931 W. 26 St.
Los Angeles Calif.

IDENTIFICATION PROCEDURE
When cashing this check for the individual payee, you should require full identification and endorsement in your presence or presence of a teller.
The payee should sign the check in ink or indelible pencil.
If the endorsement is made by mark (X) it must be witnessed by two persons who can write, giving their places of residence in full.

[U. S. EXHIBIT NO. 5]

STACY ADAMS

SHOES INC. IMPORTERS

6355 Hollywood Boulevard
Hollywood, California

Hillside 9801

GRanite 3193

OLD NAME _____ NEW _____ DATE 3/2/46 1946

ADDRESS Woburn - Char. A.

1615 E. 47th St.

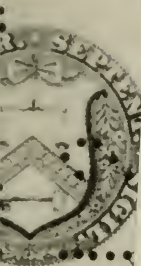
PHONE None. CITY _____

Salesman	Amount Received	Delivery	Charge	C.O.D.	On A/C
<u>Hub</u>	<u>1405</u>				

Quan.	DESCRIPTION	Code	Amount
	<u>1405 100</u>		<u>13 50</u>

III S. EXHIBIT NO. 6]

WAR
FINANCE



1917

WILLIAM D. BROWN

[U. S. EXHIBIT NO. 5]

STACY
ADA

FREE
NER
CORNER

INC.
SHOES
IMPORTERS

6355 Hollywood Boulevard
Hollywood, California

GRanite 3193

Hillside 9801

OLD NAME _____ NEW _____ DATE 3/2/46 194 _____

ADDRESS Walden - Chas. A.
1615 E. 47th St.

PHONE None. CITY _____

Salesman	Amount Received	Delivery	Charge	C.O.D.	On A/C
<u>Hub</u>	<u>42.50</u>				

Quan.	DESCRIPTION	Code	Amount
<u>1405</u>	<u>100</u>		<u>13.50</u>
<u>101</u>	<u>100</u>		<u>13.50</u>
<u>2101</u>	<u>100</u>		<u>10.00</u>
<u>Slippers</u>			<u>4.95</u>
<u>101</u>	<u>90</u>		<u>13.50</u>
			<u>55.45</u>
	<u>22X</u>		<u>13.80</u>
			<u>56.83</u>

42312

Case No. 19036. U. S. vs. Hayman. U. S. Exhibit No. 5. Date 1/7/47. No. 5 in Evidence. Clerk, U. S. District Court, Sou. Dist. of Calif. Louis J. Somers, Deputy Clerk. [36]



Treasurer of the United States

15-51

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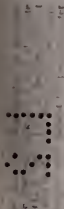
TO THE
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No. 1

KNOW YOUR ENDORSER—REQUIRE IDENTIFICATION

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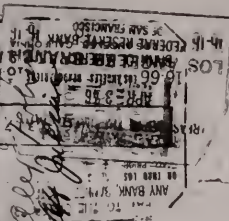
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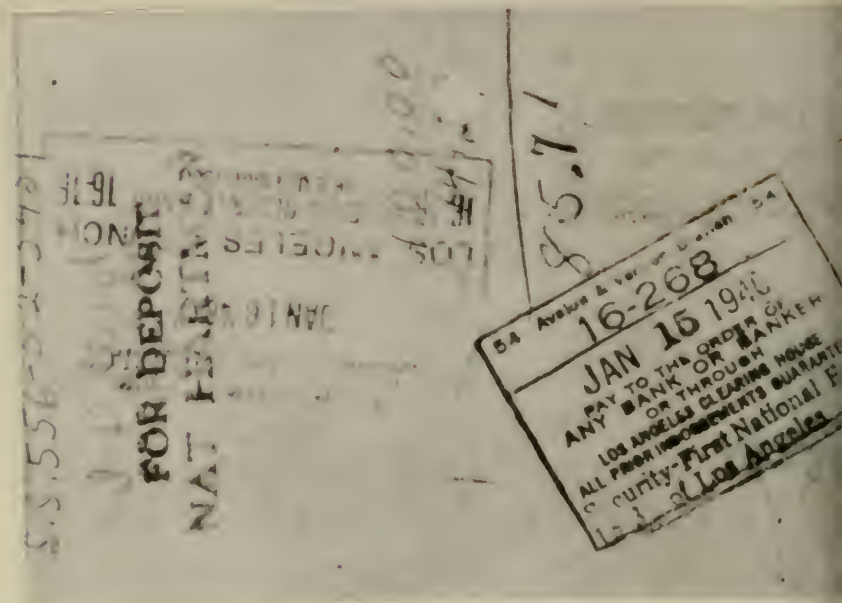
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William J. Weaver
1381 E. 50th Street.

San Francisco



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614,274

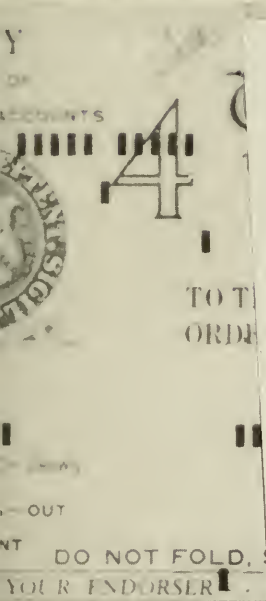
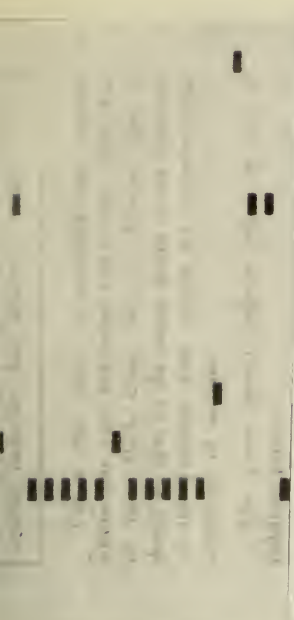
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\$100 ⁰⁰/₁₀₀YOU NO
20457

UNITED STATES-AR

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U.S.A. FINANCE

213,767



Case No. 19036. U. S. vs. Hayman. U. S. Exhibit No. 6. Date 1/7/47. No. 6 in Evidence. Clerk, U. S. District Court, Sou. Dist. of Calif. Louis J. Somers, Deputy Clerk. [39]

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S.S. 554-52-249

16-17

УЧЕДЕРЖАВО

THE END

54
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JAN 16 1946
PAY TO THE ORDER OF BANKERS
ANY BANK THROUGH
OR THROUGH
LOS ANGELES CLARKE BULL
ALL FIRST NATIONAL BANKS
Security-First National
Los Angeles

W. 200

CAMP BEALE CALIF

b14, 2

Treasurer of the United States

JAN -

1551

Dollars **\$100**

One Hundred _____

RAY H. RUSSEY

YOU NO
20457

1394 E 71ST ST
LOS ANGELES CAL

UNITED STATES
U.S.A. W E V
1 2 USA 2 NIA

213,76

NEW YORK END USER-REQUIRED IDENTIFICATION

SUPER LIQUOR STORES

97

THE BANK OF AMERICA
NATIONAL ASSOCIATION
MEMBER FEDERAL RESERVE BANK
CINCINNATI, OHIO

CLEVELAND OHIO

4-5-1-EV

2,966,240
AT 846

Treasurer of the United States

THROUGH FEDERAL RESERVE BANK OF CLEVELAND

MAR 14 1946

Pay ONE HUNDRED dollars

\$100.00 PAID

TO THE
ORDER OF -

26 MAR 46

DO NOT FOLD SPINDLE OR MUTILATE
REQUIRE IDENTIFICATION

15N 4
20
7.7 206 516 5 14
786

CERTIFICATE OF CLERK

I, Edmund L. Smith, Clerk of the District Court of the United States for the Southern District of California, do hereby certify that the foregoing pages numbered from 1 to 39 inclusive contain full, true and correct copies of Indictment; Minute Order Entered December 6, 1946; Waiver of Jury; Minute Orders Entered January 7, 1947 and January 20, 1947; Judgment and Commitment; Substitution of Attorneys; Corrected Judgment and Commitment; Notice of Appeal; Election Not to Begin Service of Sentence; Designation of Contents of Record on Appeal; Statement of Points; Appellee's Designation of Contents of Record on Appeal; U. S. Exhibits 1, 2, 4, 5 and 6 which, together with Original U. S. Exhibit 3 and Copy of Reporter's Transcript, transmitted herewith, constitute the record on appeal to the United States Circuit Court of Appeals for the Ninth Circuit.

I further certify that my fees for preparing, comparing, correcting and certifying the foregoing record amount to \$14.15 which sum has been paid to me by appellant.

Witness my hand and the seal of said District Court this 5 day of March, A. D. 1947.

(Seal)

EDMUND L. SMITH

Clerk

By Theodore Hocke
Chief Deputy Clerk

[Title of District Court and Cause]

Honorable William C. Mathes, Judge Presiding

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Los Angeles, California

Tuesday, January 7, 1947

Appearances:

For the Plaintiff: James M. Carter, Esq., United States Attorney; by William Ritzi, Esq., Asst. United States Attorney.

For the Defendant: Anthony Entenza, Esq.

Los Angeles, California, Tuesday, January 7, 1947,
10:00 A. M.

(Case called by the clerk.)

The Court: Are both sides ready?

Mr. Ritzi: Yes; the Government is ready.

Mr. Entenza: The defendant is ready, your Honor.

The Court: Very well; proceed.

Mr. Ritzi: If the court please, if I may make a brief opening statement?

The Court: You may.

Mr. Ritzi: On November the 20th of this year the grand jury returned a six-count indictment against the defendant Hayman. If I may briefly review the charges that are contained in the indictment, in substance they are as follows:

Count 1 of the indictment, the court will notice, charges a personation; that is to say, that the defendant, in March of this year, falsely personated the true and lawful holder of a Government obligation: that is to say, a Treasury check in the sum of \$100.00.

Count 2 of the indictment charges the forging or the causing to be forged of a material fact, the thing in that particular check which I think the evidence will show to be the signature.

Count 3 of the indictment charges the uttering of that particular check; in other words, after the payee's name was [2*] forged to the check the check was uttered by the defendant.

Count 4 of the indictment charges another forgery count; that is to say, that the defendant, at Los Angeles, on or about March 6th, caused to be forged the payee's signature of a check that was in the sum of \$282.50.

The Court: Now, the first three counts refer to a single check?

Mr. Ritzi: That is correct, your Honor.

The Court: And the fourth count is a different check?

Mr. Ritzi: Is a new check.

And the count 5 charges the uttering of the check that is contained in count 4; and count 6 of the indictment is a conspiracy which charges in effect that the defendant, together with another, Dorothy McClain, conspired, forged and passed the check contained in counts 4 and 5.

The Government expects to call approximately nine witnesses. The Government will call the two payees of those two checks, who will testify that they did not authorize any one to sign their names to the checks, nor did they themselves sign their names to the checks.

*Page number appearing at top of page of original Reporter's Transcript.

The Government will call one Juanita Jackson, who will testify that she and defendant went around town, driving around in his automobile, and stole various letters from mailboxes in town and thereafter forged the payees' names and went around and cashed the checks. Dorothy McClain is [3] here, and she is at the present time serving time at Tehachapi, which the Government is very frank to admit, but she will testify that she and the defendant also stole checks and forged the payees' names and cashed those particular checks.

Mr. Paul Redd is here, who will testify that, at the defendant's instances, he forged and cashed some of the checks for the defendant.

Mr. Jackson Martin is here. He is the operator of a store out on South San Pedro Street and he will testify that the defendant came to his store and cashed the \$100.00 check mentioned in the first three counts of the indictment, and state that he was the payee.

In addition to that, Mr. Kendall Gibson and Mr. Willis Jacks, who were the manager or managers of a shoe company out in Hollywood, will testify that the defendant and another came to his store and cashed another one of the checks. And then, of course, we have agents of the Secret Service who will testify concerning their investigation of this particular case.

That, in brief, is what the Government expects to prove and will endeavor to show in this particular case.

Mr. Entenza: No statement.

The Court: Very well; call your first witness.

Mr. Ritzi: Mr. Samuel T. Thompson. [4]

SAMUEL T. THOMPSON,

called as a witness by the plaintiff, being first sworn, was examined and testified as follows:

The Clerk: Please state your name.

The Witness: Samuel T. Thompson.

Direct Examination

By Mr. Ritzi:

Q. Mr. Thompson, did you ever reside at 1931 West Twenty-sixth Street? A. Yes; I did.

Q. Were you previously in the Army?

A. Yes; I was.

Q. When were you discharged from the Army?

A. February the 24th, 1946.

Q. 1946. Do you know whether or not the Government owed you a check for mustering-out pay?

A. It did.

Q. Do you know the amount of that mustering-out pay? A. Yes, sir; it was \$100.00.

Q. \$100.00. I show you—

Mr. Entenza: No objection. I have seen it.

Q. By Mr. Ritzi: I show you a check made out to "Samuel T. Thompson, 1931 W. 26 St." in the sum of \$100.00; and, if you will turn the check over and look at the endorse- [5] ment on the rear, the name "Samuel T. Thompson"? Will you tell the court whether or not that is your signature? A. That is not my signature.

Q. It is your name? A. That is my name.

Q. But it is not your signature? A. No, sir.

Q. Did you authorize anyone to sign that particular check for you? A. No; I did not.

(Testimony of Samuel T. Thompson)

Q. Did you ever receive the proceeds on that check?

A. No; I did not.

Mr. Ritzi: That is all.

Mr. Entenza: Just a minute.

Cross Examination

By Mr. Entenza:

Q. Do you know whose signature happens to be on the back of the check?

A. That is my name but not my signature.

Q. That is your name but not your signature?

A. That is right.

Q. You say it is not. When did you receive the check?

A. I did not receive that check.

Q. Did you receive checks of a like amount before? [6]

A. Yes; I received two checks.

Q. Two checks in the same amount, \$100.00?

A. That same amount; yes.

Q. Where was this check supposed to have been received?
A. At 1931 West 26th Street.

Q. Was that the place of your residence?

A. At that time; yes.

Q. Do you happen to know the defendant, Mr. Hayman?
A. I do not.

Q. Have you ever met the defendant before?

A. I have never seen him that I know of.

Q. As far as you are informed and know, you don't know whether or not he signed the check?

A. I do not know who signed it. No; I do not.

Mr. Entenza: That is all.

Mr. Ritzi: That is all.

The Court: You may step down.

Mr. Ritzi: Mr. Charles A. Wilbun.

CHARLES A. WILBUN,

called as a witness by plaintiff, being first sworn, was examined and testified as follows:

The Clerk: Please state your name.

The Witness: Charles A. Wilbun.

The Clerk: Spell your last name, please. [7]

The Witness: W-i-l-b-u-n.

Direct Examination

By Mr. Ritzi:

Q. Mr. Wilbun, did you ever reside at 1615 East 47th Street in Los Angeles or receive mail there?

A. I did.

Q. You received your mail there? A. I did.

Q. Were you an officer in the United States Army?

A. I was.

Q. What was your rank in the Army?

A. First lieutenant.

Q. First lieutenant. When were you discharged from the Army?

A. My terminal leave was ended on April 17th of 1946.

Q. Did the Government owe you a sum for mustering-out pay, do you know, or some sum?

A. For terminal leave pay for one month I was owed \$282.50 for one month, \$286.00 for another month, and \$300.00 and some for another month.

Q. Now I show you a photostat of a Treasury check made out to "1st Lt. Charles A. Wilbun, 1615 E. 47th St., Los Angeles, Calif." in the sum of \$282.50. I will ask you to observe the endorsement on the rear of the check and tell [8] me whether or not that endorsement is yours.

A. This endorsement is not my signature. It is my name.

(Testimony of Charles A. Wilbun)

Q. Did you authorize anyone to receive that check for you? A. I did not.

Q. Did you authorize anyone to sign your name to the rear of the check? A. I did not.

Q. Did you receive the proceeds on that particular check? A. I did not.

Mr. Ritzi: That is all.

Cross Examination

By Mr. Entenza:

Q. Do you know the defendant? A. I do not.

Q. Did you ever see the defendant?

A. I did not.

Q. You have never met before?

A. I never have.

Q. I believe I was confused in your name. What was it, please? A. Charles A. Wilbun, W-i-l-b-u-n. [9]

Q. You reside where, did you say?

A. At that time I lived at 1615, 1615 East 47th Street.

Q. And this check was supposed to have been received at that address? A. At that address; that is correct.

Q. You do not know who endorsed the check, do you?

A. I do not.

Mr. Entenza: That is all.

Mr. Ritzi: That is all. Juanita Jackson.

JUANITA JACKSON,

called as a witness by plaintiff, being first sworn, was examined and testified as follows:

The Clerk: What is your name?

The Witness: Juanita Jackson.

Direct Examination

By Mr. Ritzi:

Q. Is that Miss or Mrs? A. Mrs.

Q. Mrs. Jackson. Do you know the defendant, Herman Hayman? A. Yes; I do.

Q. Is that the defendant sitting across from me?

A. Yes. [10]

Q. How long have you know him?

A. For about seven years I would say.

Q. Seven years. Where did you first meet him?

A. At high school, or maybe a little before at high school.

Q. Which high school was that?

A. Jefferson High School.

Q. Do you know what kind of an automobile the defendant had in 1945 and 1946?

A. Well, previous to the car he has now, I think he had a Mercury, or a little bit older than the car he has now, a Mercury, I think.

Q. What kind of an automobile does he have now, by the way?

A. Two months ago, the last time I saw him, he had a '42 Buick convertible.

Q. Did you and the defendant ever go around in either that Mercury or the Buick Automobile and steal mail from letter boxes? A. Yes; we did.

(Testimony of Juanita Jackson)

Mr. Entenza: Pardon me, counsel. Might I have an answer to that question again?

The Witness: Yes; we did.

Mr. Entenza: Yes; you did?

The Witness: Yes. [11]

Mr. Ritzi: What was the mode of operation for getting these letters from the mail boxes, or checks or whatever they were? Will you tell the court?

A. Well, the defendant and I would ride around in the defendant's car, and several times he would stop and maybe point out the letter to me or the check—mostly, I mean, it was a check—and I would get out myself and get it.

Q. Did the defendant ever get out of the car?

A. Very seldom. He has at different times, but very seldom did he get out because—no; he didn't.

Q. What would he do? Would he stop in front of the house or what? How was that done?

A. Well, he would stop, maybe in front of the house, or maybe a little bit down from the house so that he would not be seen.

Q. Would he go up and ring the bell first, or how did he know if anyone was home?

A. I don't know he knew anyone was home or not, but he usually just kind of knew sort of.

Q. How did he know what type of envelope to take?

A. Somehow or another. He told me that they would be in the brown envelope. I didn't know.

Q. Did it happen occasionally or did it happen frequently or once or twice or what? Do you know?

A. Well, more than once or twice. [12]

(Testimony of Juanita Jackson)

Q. Would you say it happened occasionally or frequently? A. Occasionally.

Q. Occasionally. After you obtained these checks or the defendant obtained them did you or the defendant put the payee's name on the back of the check?

A. Well, the defendant didn't, but at times I did.

Q. You did? A. Yes.

Q. And just what would you do with the check?

A. Well, I would take the check to wherever the defendant saw fit that I should take it, and I would sign it and cash it, and the proceeds were turned over to the defendant and split up as he saw fit.

Q. Well, what did he do; did he give you a part of the proceeds? A. A part of the proceeds; yes.

Q. Of the check. And did the defendant himself have some sort of identification cards to assist you in cashing these checks?

A. There were cards obtained—I don't know—from some place, but he did. He had identification.

Q. He did have identification? A. Yes; he did.

Q. Did the defendant state to you where he obtained those identification cards? [13]

A. I understand that they were printed at some office somewhere downtown. I don't just know where.

Q. Did the defendant ever state to you how many of these identification cards he had? A. Yes; he did.

Q. How many? A. 700.

Q. He said that he had 700 of them printed up?

A. Yes.

Mr. Entenza: Will you let me see that card, counsel?

Mr. Ritzi: Yes.

(Testimony of Juanita Jackson)

Q. Now, I show you an identification card made out to "Bernice Brooks" and will ask you is this the type of card that the defendant obtained or had?

A. Yes; that is the type.

Q. I see. However, was this made out to you? Not this particular card that I showed you, but the cards of the similar nature?

A. No. They were blank and the name was filled in. They were all blank cards.

Q. I see. You filled the name in or who filled the name in?

A. Well, I usually filled the name in, made out the cards.

Q. Who gave you the cards? [14]

A. The defendant.

Q. The defendant gave you the cards. How many checks, if you know, approximately how many checks did the defendant give you to cash or place the payees' names thereon? Do you know offhand?

A. I don't know just how many, but quite a few over a period of time.

Q. Over what period of time?

A. When the defendant brought the checks to me.

Q. When was it, from when to when, approximately, if you know?

A. Approximately a year, I would say.

Q. Would you say there were five checks or 50 checks or a hundred checks or how many, approximately, if you know?

A. Well, there was quite a few of them. I don't know. Maybe there was 50, I will say, but there was quite a few

(Testimony of Juanita Jackson)

that came in, take them in bunches or at different times. There was quite a few.

Q. On each of these checks would the defendant have you put the payee's name thereon?

A. Well, not—well, let's see. Well, yes.

Q. Well, did any of the checks ever come to you already endorsed in the payee's name? A. No, no.

Q. They did not. And then, thereafter, would the [15] defendant drive you to the various places about town to cash those checks? A. Yes; he would.

Q. What kind of stores were they principally, if you know?

A. Usually liquor stores, and very seldom check-cashing agencies and frequently men's stores.

Q. By the way, how did you obtain the picture? You said, if I understand you correctly, that he gave you a number of these little cards. Was your picture placed on those cards? A. Yes; it was.

Q. How was that picture obtained?

A. Snapshots of my own, my own picture.

Q. Did you ever use anything else other than these little identification cards? A. Well, yes.

Q. What were they?

A. They are cards of identification, and frequently—very seldom a driver's license.

Q. Wait a minute, now. Was it frequently or very seldom?

A. Well, I mean not much. I mean not many times, but there was a driver's license used.

(Testimony of Juanita Jackson)

Q. Was the driver's license made out in your own name [16] or in the name of the payee?

A. In the name of the payee.

Q. How did you get those driver's licenses?

A. Well, the defendant took me to the motor vehicle place downtown here.

Mr. Ritzi: I think that is all, your Honor.

Mr. Entenza: Just a minute, Mrs. Jackson.

Cross Examination

By Mr. Entenza:

Q. How many drivers' licenses did you have?

A. You mean of my own driver's license?

Q. Yes.

A. Well, at that time I didn't have any. I have a driver's license now.

Q. Is that the one that he assisted you in getting?

A. No; not my driver's license.

Q. You said something about the vehicle department, is that right? Did you go to that department to get a license?

A. Yes; the defendant took me there for the purpose of checks, but my driver's license didn't have anything to do with that.

Q. You did not get your license at that time. You had a license either before or since that time? [17]

A. Since then.

Q. Your acquaintance with the defendant over a period of seven years, was it an acquaintance of courtship? Did

you both go with one another socially? Were you married at that time?

A. I have been married for three years, and I knew Herman through high school. There is no personal relations whatsoever, just friendship and, most likely, business acquaintance.

Q. You and he went to school, then, together at that time?

A. Yes; we went to school. We graduated from the same class in the summer of '41.

Q. When did you first have this check expedition—

A. About a year ago.

Q. —to these mail boxes?

A. About a year ago.

Q. About a year ago? A. Yes.

Q. You say last January or last March or some date?

A. Oh, last Christmas. Oh, January or February, last year.

Q. Around the Christmas holidays and immediately following, is that right? A. Yes. [18]

Q. Do you remember the first trip that you made?

A. No; I do not.

Q. Do you remember whether or not the first trip was in an automobile and the robbery of some mail from a house? A. I don't understand what you mean.

Q. Well, the first trip that you made with Mr. Hayman wherein you received some checks, do you recall when that was? A. No; I don't.

Q. Do you remember what part of the city you happened to be in?

A. No; I don't. I don't remember just when the first was. I don't.

(Testimony of Juanita Jackson)

Q. Where did you meet Mr. Hayman upon those occasions in order to make the trip?

A. Well, I never met him at his home. He usually came to mine.

Q. He came to your home? A. Yes.

Q. Would he go in your home, toot the horn, or would you have a pre-arranged time to go out and meet him in the car?

A. Depends on how the defendant felt. Sometimes he honked the horn, sometimes he came in, just how he felt.

Q. Was this generally in the daytime? [19]

A. Well, not generally in the daytime.

Q. Was it in the nighttime?

A. At different times he would come.

Q. Both day and night?

A. Both day and night.

Q. In the morning on some occasions?

A. Most likely in the mornings. I mean, you know, more so in the mornings.

Q. About what time, between 8:00 o'clock and 12:00?

A. There was no definite time.

Q. There was no special time?

A. No; but sometime in the morning.

Q. You met him in the morning, sometimes in the afternoon and sometimes in the evening?

A. Yes.

Q. On those occasions, Mr. Hayman, the defendant in this case, would drive you out and point out to you a mail box?

A. He didn't come by my house all the time to point out the mail boxes. He came by to bring checks at differ-

(Testimony of Juanita Jackson)

ent times. That is why I say he came at all times of the day. In the morning, if he was coming to my home for mail, to look for the mail, it would be in the mornings; but at night he brought mail to my house.

Q. Oh, he did bring some mail to you at your home? [20] A. Yes; he has.

Q. In that instance he would come in the home and distribute the mail to you, is that right, or place it in your hands? A. Well, yes.

Q. Anyone else present at that time?

A. Yes; sometimes someone else was present.

Q. Would you mind giving the names? A. Yes.

Q. Of those persons?

A. I don't think that—not that I can't, but I don't think that has much to do with it, because I received it myself and he did give it to me. But I don't mind, no; my husband.

Q. I really do not want you to expose your husband.

A. Well, that is all right. I don't mind. I don't mind.

Q. I thought possibly there was some of the other girls who are to testify present.

A. Well, yes; there is a girl here in the courtroom now who has been with me.

Q. You heard the attorney for the Government call out the names of the witnesses whom he intended to have present today? A. Yes. [21]

Q. I would ask you now whether or not they were present in your home when the distribution of this mail took place on the part of the defendant Hayman?

A. Yes; at several times.

(Testimony of Juanita Jackson)

Q. Sometimes the other girls were there in your home?

A. Yes, yes.

The Court: Suppose you name them.

Mr. Entenza: Pardon me?

The Court: Suppose you name them and we can be definite about it.

Mr. Entenza: All right; I will.

Q. We would like to have you name them.

A. Dorothy McClain.

Q. Dorothy McClain was one?

A. Well, that is just about all.

Q. That is about all? A. Yes.

Q. Now, we are making this little pleasure tour around the city on one of these occasions, morning, afternoon or evening; do you recall whether or not you drove some distance from your home? A. Well—

Q. I would say “distance” would be Beverly Hills?

A. No.

Q. Hollywood? [22] A. No.

Q. North Wilshire Boulevard or any of those districts?

A. Well, they would not be quite out that far, but anywhere that he chose to drive around.

Q. Well, when you say “chose to drive around,” then he did not drive directly to the mail that you stole, is that right?

A. No; not direct, but he would drive me around.

Q. He would drive around several blocks and finally point out a place to you? A. Yes.

The Court: I will have to interrupt you at this point, Mr. Entenza.

(Testimony of Juanita Jackson)

Mr. Entenza: Yes, your Honor.

The Court: We will take a recess of five minutes.

(Intermission for other court proceedings.)

Mr. Entenza: May I have the last question and answer?

(Record read by the reporter as requested.)

Q. By Mr. Entenza: Would he tell you to get out of the car or did you get out of the car?

A. Well, he would ask me to get out of the car.

Q. He would ask you to get out of the car?

A. Yes.

Q. And did he tell you what to do or ask you to do something unusual on that occasion or any of those occasions? [23]

A. Well, it was understood when I went out what was supposed to be done.

Q. Let us get down to the facts, Mrs. Jackson.

A. Well, yes. Yes; he told me to get out of the car and go get the check and bring it back to the car.

Q. Did he tell you to go and get a specific check or get the mail?

A. Well, the check that was in the mail box, you know, before the house that he stopped at.

Q. Would you drive by the mail box first? You would not stop right at the mail box, would you, with the car right there?

A. Well, the defendant would never stop right in front of the house; no.

Q. Where would he allow you to alight?

A. After the car was down the street a couple of houses from where the check was.

(Testimony of Juanita Jackson)

Q. He would drive up along the sidewalk, tell you to get out and go to that mail box, pointing out to you the mail box you just passed or a specific mail box?

A. Yes.

Q. Would he tell you what to do when you got to the mail box?

A. Yes.

Q. Would he tell you to put your hands in the mail box? [24]

A. No, no.

Q. How did you proceed to get the mail out, the check?

A. Well, the mail was taken out of the box.

Q. Well, how did you take it out?

A. Well, let me see; just take it out of the box.

Q. Well, was the box open like a basket?

A. Sometimes it was open; sometimes it was.

Q. Was it a large box or those small mail boxes that you have to deposit letters?

A. The boxes were in various sizes; some were open, some were shut, some were small and some were large.

Q. You know what a mail box is, don't you, a United States mail box?

A. Well, I know what a mail box is. I don't know the regulation for the boxes, but I know what a mail box is.

Q. You would recall whether or not they were United States mail boxes, regular catch boxes in green, or the boxes on the tenement houses, the apartment house? They are really United States mail boxes, are they not?

A. Well, they are boxes and it says "mail". I don't know about the United States mail boxes.

(Testimony of Juanita Jackson)

Q. Would you recall whether or not they were made of wood or steel?

A. Some were pliable, that new plastic through which you could see, and sometimes they just had cigar boxes setting [25] up there for mail boxes. All types of mail boxes that people use.

Q. Did you have an instrument with you such as a screw driver? A. No.

Q. Or jimmy? A. No.

Q. Or anything of that kind by which you got the mail out of the box? A. No; nothing but my hands.

Q. Do you know whether or not in the box there was a little door of some kind that pulled down when the mail went in the box?

A. Sometimes. Different kinds of mail boxes.

Q. Now, you say that the defendant stated: "In that box you will find a check"?

Mr. Ritzi: I think that has been asked and answered, your Honor.

Mr. Entenza: I do not think I asked that question, your Honor.

The Court: Overruled. Answer the question.

The Witness: What did you say?

Q. By Mr. Entenza: I think you testified that he pointed out the box and told you to go there and get the check. I now ask you, in making reference to the mail box [26] which had the mail therein, did he say "You reach your hand in and get from that box a certain check"?

A. Well, usually the check was there. You could see it somehow or another. I mean sometimes the boxes were

(Testimony of Juanita Jackson)

open, and, as I say, sometimes the boxes were transparent. And I don't know how he knew it was there but he showed it to me. I don't know how he would know unless just by sight.

Q. You don't know anything about how he knew the checks were there, is that right? A. No.

Q. How long had you been with him that morning?

A. There was no particular morning.

Q. Any one of these particular mornings that you recall, before he drove you directly to the mail box?

A. Well, sometimes he would drive right up on one; the next time he might drive around. It just depends on where it was, if he knew where it was.

Q. Drive around a matter of minutes, would he, sometimes half an hour, sometimes an hour before he got to the mail box? A. Yes.

Q. And then you would get out and get this letter in particular or a lot of letters?

A. Never letters. I mean it was most likely checks.

The Court: By "check" do you mean just the check without [27] anything on it, without any container or anything of that kind?

The Witness: No. I mean the open-faced brown envelope with the green check in it.

The Court: An envelope with a check in it?

The Witness: Yes.

The Court: And that is what you mean when you say "checks"?

The Witness: Yes.

Q. By Mr. Entenza: Would you have some assorted mail or would you just simply see that check and reach in and get it?

(Testimony of Juanita Jackson)

A. Well, I never would take just the mail. I mean I wouldn't bother with the mail, just the check; yes.

Q. You just took the brown check? A. Yes.

Q. Regular Government check? A. Yes.

Q. I am sorry I haven't one of those checks with me. I do not carry one of those. That is one of the envelopes. It was a long, narrow envelope, was it not?

A. Yes.

Q. With a transparency in front? A. Yes.

Q. And underneath that transparency would be the address of the receiver of the check, is that right, do you [28] recall? A. Yes.

Q. Do you remember having received more than one of those checks on one of these occasions out of any particular box? A. No.

Q. Just one check? A. Usually just one.

Q. Did he ever say to you "pick up Mr. Brown's or Mr. Jones's check there"? Did he give you any name by which you would understand that that was the check that you should pick up? A. No.

Q. Then you had the car stop some number of feet or yards away, you got out, went to the mail box and picked this check out? A. Yes.

Q. And he remained in the car, is that right?

A. Yes.

Q. And did he always remain in the car?

A. Not always, but most of the time. The defendant didn't want to be seen or known that he was even there. It was always myself or someone else.

Q. Did he tell you that? A. Yes. [29]

(Testimony of Juanita Jackson)

Q. Or is that a conjecture? Did he say to you that he did not want to be seen?

A. Yes. He says that the woman is less conspicuous going to the mail box than just an ordinary man going up to the mail box.

Q. And you did the mail box robbery yourself?

A. Well, I think I should say this right now: The whole—the checks that were obtained were not always obtained by me taking them out of the boxes. Sometimes they were brought to me in packages.

Q. I am questioning you about going to the mail boxes. I am going to come to the packages in a minute or two.

A. All right. I wanted to just—

Q. This is now about the mail boxes that I am trying to get some answer to. Do you recall how many mail boxes were pointed out to you by the defendant during the period of a year? A. No; I don't.

Q. In answer to the United States District Attorney's question, I believe you said there were a good many?

A. Yes.

Q. And you then walked back to the automobile after taking the check? A. Yes. [30]

Q. You did not observe anybody around the mail box at that time, did you? A. I don't know.

Q. Any persons standing there, any children playing around, anyone in the house, particularly? A. No.

Q. Watching you take the check?

A. No; I don't guess so. I don't know if they saw me or not. I don't know.

Q. I believe you then stated in answer to a question that you took the check from the mail box and handed it to the defendant in this case, is that right? A. Yes.

(Testimony of Juanita Jackson)

Q. In the automobile? A. In the automobile.

Q. And who opened the check, as you recall; that is, who tore the envelope open?

A. Sometimes he would, and sometimes I would. It just depended.

Q. You did not know up to that time what the amount would be, did you? A. No.

Q. You would look at the amount of the check?

A. Yes.

Q. And then would he pass that back to you on the [31] occasions where he had torn the envelope open, would he pass the contents, the check itself, to you?

A. Yes; he would.

Q. And then would drive you some other place where you could cash the check, is that right? A. Yes.

Q. Would the cashing of the check take place on the same day that you got the check from the mail box?

A. Not always; sometimes.

Q. Sometimes you carried the check, instead of him, as it were? A. I don't understand what you mean.

Q. Would you have it in your purse?

A. Yes; but usually the defendant kept the check or checks if it was going to be the next day, if it was going to be the next day it was going to be cashed.

Q. Did you have a particular cache or a certain place to hide the checks, between the two of you, rather than on his person or on your person? A. No.

Q. You had no hideaway of any kind?

A. No; no hideaway.

Q. Then on the next day or on that day he would then meet you in front of your house or some other given

(Testimony of Juanita Jackson)

spot and you would drive to a place where you could cash [32] the check? A. Yes.

Q. I think you said liquor stores and other mercantile establishments, and I think you mentioned a shoe store, is that right? A. Yes.

Q. Or did you?

A. No; I didn't mention a shoe store. I said, "men's clothing store."

Q. Men's clothing store. I guess that was in the statement of counsel, where he mentioned something about a shoe store. I believe you said that you kept away from check-cashing establishments, is that right?

A. Yes.

Q. But you did cash checks in some of the check-cashing establishments, did you not? A. Yes; I did.

Q. Will you mention some of the places where you cashed them, if you recall? I am not now talking about the liquor stores. I am talking about check-cashing places.

A. What did you say?

Q. Would you recall some of the places where you cashed the checks in the check-cashing places?

A. Yes; I recall.

Q. Could you recall where they were located? [33]

A. Throughout the city, different places.

Q. Throughout the city at various places. Would one of them be on Broadway? A. Possibly so.

Q. Would one of them be on Hill Street in Subway Terminal Building? A. No.

Q. Would one be in the depot on Sixth Street, the Terminal Building basement? A. No.

(Testimony of Juanita Jackson)

Q. Then, they were out in the outskirts of town, the cashing places where you cashed the checks, is that right?

A. Not all the time.

Q. Sometimes downtown? A. Yes.

Q. But you can't recall which places?

A. I can recall but I don't think it is necessary that I say.

Q. You don't think what?

A. That it is necessary that I say where I did cash them.

Q. Well, it is necessary to answer my questions, my dear lady, unless the court decides that you do not have to answer them. I do not think that that answer is relevant [34] to the question that I asked. Do you remember some places downtown where you cashed checks?

A. Yes; I do remember.

Q. Well, give the names of the places that you recall in that memory.

A. I don't know the names of the places.

Q. Do you know what street they were on?

A. No.

Q. You don't know what block they are in?

A. Well, I couldn't just say.

Q. But you do know that they were downtown; is that a fact? A. Yes; I know that.

Q. You cashed checks on more than one occasion?

A. Yes; I did.

Q. You went to some of those check-cashing places, is that true? Is that right? A. Yes.

(Testimony of Juanita Jackson)

Q. And cashed the check there, and you showed him your identification?

A. Which the defendant gave me, yes, identification card.

Q. Identification card on which appears your photograph, is that right?

A. It wasn't always my photograph. [35]

Q. Well, I think you said in answer to a question of the Government attorney that you had some kodaks taken, is that right?

A. Yes; personal films of my own, just snapshots.

Q. You said snapshots, didn't you?

A. Yes; snapshots.

Q. The snapshot was enlarged and printed upon that card, was it not? A. No; it was not.

Q. How did the picture get on that card?

A. Sometimes I stuck it on there with gum.

Q. Oh, you stuck it on with gum, and that identification was sufficient, is that right? A. Yes.

Q. And the writing on the card was your handwriting, was it? A. Not all the time. Sometimes it was.

Q. Well, was it ever the defendant's handwriting?

A. Sometimes it was.

Q. Can you present a card, or do you know of any card in your possession or in anyone else's possession that bears the signature of the defendant?

A. The cards were destroyed after the checks were cashed.

Q. After each check was cashed? [36] A. Yes.

Q. You destroyed the card? A. Yes.

(Testimony of Juanita Jackson)

Q. And he supplied you with these cards, is that right?

A. Yes; he did.

Q. Did you ever have any one of these cards as a consequence or a result of being employed in governmental service here or in the department stores in the City of Los Angeles or County of Los Angeles?

A. Do you mean was it written on there sometimes where I was employed?

Q. Yes. A. Yes; it was.

Q. You had that kind of a card, did you not?

A. That was the same card.

Q. That was the place of your employment, was it not?

A. Obviously I was not working there at the time. I just used that.

Q. Did you ever work there?

A. At some of the places; yes, that he put down on the card.

Q. You worked at some of those places?

A. Yes.

Q. At any of those places did you have an identification card? [37]

A. When I was terminated at each place the identification cards were turned in to the factory.

Q. You turned them in to the factory at the time you terminated? A. Yes; I did.

Q. But pending your employment, you had that identification card, is that right, while you were employed there?

A. Yes; I did. Yes; sometimes a kind of a card and sometimes they were buttons.

(Testimony of Juanita Jackson)

Q. At that time, either with the button or the identification card, did you cash any of these checks?

A. No; I didn't, not with the companies.

Q. I did not say with the company. I mean at the time of your employment? A. No; I didn't.

Q. Now, when were you employed last?

A. I don't remember the last time.

Q. Do you remember whether or not you were employed during the year 1946 at any time? A. Yes.

Q. And where?

A. Out at the Staber's in Hollywood.

Q. Well, was that domestic work or was that factory work?

A. It was not domestic or factory. I had my own [38] trade, a beauty operator.

Q. You were working for beauticians some place, were you? A. Yes; I was.

Q. And you were under employment and you had an identification card there, did you?

A. No; no identification card.

Q. You just worked at that place? A. Yes, sir.

Q. During your employment at the beauty parlor did you cash any checks then?

A. During my employment, yes.

Q. And the same kind, the same checks that you have described here as being taken from a post office box?

A. Yes.

Q. Or a mail box, rather? A. Yes.

Q. And driven on those occasions, were you, by the defendant, Mr. Hayman? A. Yes; I was.

(Testimony of Juanita Jackson)

Q. And the operation was the same as you have related in relation to the getting of the check and giving it to him in the automobile, he tearing it open sometimes, sometimes you tearing it open, keeping it sometimes all night and cashing it the next day? [39]

A. The defendant kept the checks at night. I didn't keep them at night time.

Q. Who cashed the checks? A. I did.

Q. Did you always cash the checks?

A. Not always.

Q. Did you ever cash a check, checks, of any of these instruments for getting money, whether they were checks or drafts or whatever the instrument was, in the presence of someone else aside from the defendant, Mr. Hayman?

A. Yes; I did.

Q. And did you ever cash the checks alone?

A. Yes.

Q. Many of them? A. Yes.

Q. You cashed a great many of these checks alone, and when you cashed the check, at what period after the cashing of the check did you make a division of the monies with the defendant, Mr. Hayman?

A. The defendant divided the money with me. I gave him the money and he gave me what he saw fit for me to have.

Q. Would that happen when you cashed the checks when you were alone?

A. Well, by "alone" I thought you meant—oh, I beg your pardon. [40]

Q. Without his driving you around or anything?

A. No, no.

(Testimony of Juanita Jackson)

Q. Then, on every occasion that you cashed these checks, you mean the defendant drove you around, is that right? A. Yes.

Q. And he drove you to the place where you cashed the check in every instance, is that right?

A. Yes; he did.

Q. You knew Hayman quite well, didn't you?

A. Yes; I did.

Q. Did you ever know him to be employed?

A. Yes.

Q. Would he stop his employment at the factory or the mill or the place where he was employed to accompany you to cash the checks?

A. Well, he drove me around at the time he was employed. I don't know just how he arranged it.

Q. He drove you around at the time he was employed, is that right? A. Yes.

Q. Do you recall the places where he was employed?

A. One time, the Kirkhill Rubber.

Q. The Kirkhill Rubber Company?

A. Yes. [41]

Q. And you met him in the afternoons and mornings and evenings, sometimes, while he was employed by the rubber company, for the purpose of cashing checks?

A. He came to my house.

Q. He came to your house sometimes? A. Yes.

Q. Would this mostly take place on Saturday?

A. All throughout the week, any days; no special day.

Q. These transactions, then, went over a period of weeks and weeks and weeks during the year 1945, is that right? A. Yes.

(Testimony of Juanita Jackson)

Q. You were apprehended. You were apprehended outside of the State of California, were you?

A. Yes; I was.

Q. Denver, Colorado, just to be exact? A. Yes.

Q. Brought back to the City of Los Angeles?

A. Yes; I was.

Q. And you gave about the same statement that you are giving to this court at the present time to the officers?

A. Yes; I have.

Q. And you told them about these various checks and you told them about Mr. Hayman pointing the mail boxes out to you? [42]

A. Yes; I have.

Q. Do you remember the largest amount that you cashed on one check?

A. No; I don't.

Q. Would that necessitate your signature on the back before you cashed them?

A. Well, yes.

Q. Did you so sign the checks? A. Yes.

Q. Did you endorse the check? A. Yes; I did.

Q. And show your credentials or identification?

A. Yes.

Q. When they were asked for? A. Yes.

Q. On some occasions they were not asked for, is that right?

A. That is right.

Q. And you bought articles, did you?

A. Not all the time.

Q. Did you sometimes buy articles? A. Yes.

Q. Well, what place do you recall where you bought some articles and took the balance in change or money?

A. Liquor stores. [43]

Q. Liquor stores? A. Yes.

(Testimony of Juanita Jackson)

Q. You would buy liquor?

A. Yes; at the liquor stores.

Q. And you would come out on that occasion, would you not, to Mr. Hayman? A. Yes.

Q. You would give him the money that was remaining? A. Yes.

Q. And he would then give you a portion, is that right? A. Yes; he would. Yes.

Q. What portion of the money did he give you, or do you recall? What was the arrangement as to the amount? Was it a per cent deal?

A. No; it was not per cent. It depended on a lot of things as to how much I got.

Q. Oh, then, it varied in amount? A. Yes.

Q. But always you got some and always he got some from each check, is that right? A. Yes.

Q. What the amount was you don't remember?

A. No; I don't.

Q. You can't recall. The fact that you had known Mr. [44] Hayman for seven years is a consequence of having gone to school together, is that right?

A. Yes.

Q. You associated with him very closely?

A. No.

Q. Socially or otherwise? A. Not closely.

Q. Just in a business way, is that right?

A. Well, in school, knowing him. I knew him and, "Hello, there." Just in school times; nothing, no personal friendship.

Q. Since your school, I believe you said that you only associated with him in a business relationship, is that right? A. Yes, yes.

(Testimony of Juanita Jackson)

Q. Then this was a business between you and he, is that right? A. Well, that is what I would call it.

Q. Is that the business you have in mind, the passing of checks and the cashing of checks?

A. I just used that term. Yes; that is what I meant when I said that.

Q. Were you ever in business together in any line of business? A. No, no. [45]

Q. You can't recall of cashing a \$100.00 check, can you, in any particular liquor store?

A. No; I can't, just any certain check. No.

Q. You can't remember any certain check?

A. No.

Q. Did you live away from home at that time or did you live home? When I say "home", did you live with your parents or did you live in separate places?

A. At what time?

Q. Well, at the time that you were passing these checks around the city?

A. I lived at home, back and forth.

Q. Back and forth? A. Yes.

Q. When you say "back and forth"—

A. From my home to my mother's home.

Q. Your home. Then you had a home of your own, is that right?

A. Yes. My mother purchased a home for me.

Q. Where is that? A. 5530 Duarte.

Q. That was your home, is that right?

A. Yes. That is what I mean when I say "my home."

(Testimony of Juanita Jackson)

Q. Was that the place where Mr. Hayman met you, at your home or your mother's home, back and forth? [46]

A. He would come to my home at times and to my mother's house at times.

Q. And both places you would meet him, then, is that right? A. Yes.

Q. Do you remember Mr. Hayman ever signing his name to any check or any other instrument of any kind at any time?

A. I don't distinctly know, but I have heard—

Q. I don't want to know what you have heard.

A. Well, you asked me had I heard.

Q. No; I didn't, A. I beg your pardon.

Q. That is not what you remember, what you heard.

A. I beg your pardon.

Q. Do you remember having seen Mr. Hayman, in your presence, sign any of these instruments, the checks or any other instruments, identification cards or otherwise? A. Yes; I have.

Q. Do you remember what check that was?

A. No; I don't.

Q. But it was a check, is that right?

A. Well, you said, "or card." I do remember him signing an identification card.

Q. Do you remember his signing an identification card? [47] A. Yes.

Q. And that is the only time that you remember having seen him sign anything?

A. Maybe one or two occasions I have seen him sign, yes, checks—a check, yes.

Q. And this relationship was productive of much money, both to you and the defendant, Mr. Hayman, was

(Testimony of Juanita Jackson)

it; that is, this business relationship which you talk about, robbing mail boxes and cashing checks gave you considerable money and it gave the defendant considerable money, is that right? A. Well—

Q. Not much? A. Well, not much for me.

Q. Not as much as you needed, because you worked, I believe you said, at a beautician's place sometimes during the year, so you were employed other than getting money by this means of cashing checks? A. Yes.

Q. Are you related to Mr. Hayman?

A. No; I am not.

Q. There is no relationship between the two of you?

A. No.

Q. Now, I will ask you again—I hate to repeat this question—did you ever see Mr. Hayman sign his name on the back of a check or any other portion of a Government [48] draft or check? A. Yes; I have.

Q. You have seen him sign names, have you?

A. Yes.

Q. And do you recall what check that was and what time and what place? A. No; I don't.

Q. He signed whose name, if you remember?

A. Whatever name was on the check.

Q. And he signed it himself? A. Yes.

Q. And you went in and cashed that check, or did Mr. Hayman cash it, as you recall?

A. Mr. Hayman did.

Q. Mr. Hayman cashed the check himself on those occasions? A. Yes; he did.

Q. Were you present? A. No.

Mr. Entenza: That is all.

Mr. Ritzi: Just one additional question.

(Testimony of Juanita Jackson)

Redirect Examination

By Mr. Ritzi:

Q. How many times or how many days out of a week would [49] you say that you and the defendant went about in his automobile looking for these checks? Was is every day, was it one or two days a week, or just how frequently or how many times on an average during the week?

A. On an average, I would say two or three times a week.

Q. Two or three times a week?

A. In that area that they were taken from in the car.

Q. Would you drive directly to the check or would you drive up and down side streets looking for checks on the way? What was the mode of procedure?

A. Sometimes it was directly, and then sometimes we drove around.

Q. Drove around looking for checks? A. Yes.

Mr. Ritzi: That is all.

Recross Examination

By Mr. Entenza:

Q. Did you cash any checks in Long Beach?

A. No; I haven't.

Q. Did you cash any in San Diego, California?

A. No; I haven't.

Q. Did you go to San Diego, California with Mr. Hayman?

Mr. Ritzi: I think that is beyond the scope of re-direct. [50]

The Court: Overruled.

(Testimony of Juanita Jackson)

Mr. Entenza: I want to show, if the court please, that they drove many places and they did not cash checks together.

The Court: Overruled. You may answer.

The Witness: What did you say?

Q. By Mr. Entenza: Did you drive to San Diego, California with Hayman?

A. To Tijuana about two years ago.

Q. That was before these transactions ever took place, is that right? A. Yes.

Mr. Entenza: That is all.

Mr. Ritzi: That is all.

The Court: Did you ever go up to a mail box and not find a check, not find any check or any envelope with a check?

The Witness: Well, usually, when the defendant said, "Well, there it is," it was usually there.

The Court: You could see it?

The Witness: Yes.

The Court: Could you see it from the street?

The Witness: Yes. On several occasions I didn't see it, but he said it was there and I went and looked and it was there. [51]

The Court: Was there ever a time when he told you it was there and you went up and looked and it was not there?

The Witness: No; not that I remember.

The Court: That is all I have.

Mr. Entenza: That is all.

The Court: You may step down.

(Testimony of Juanita Jackson)

Mr. Ritzi: If the court please, may this witness be excused? She is in custody. Otherwise, she is going to miss her lunch. And also, may Mr. Samuel T. Thompson and Charles A. Wilbun be excused as witnesses?

Mr. Entenza: There is no objection from the defense. I am not going to call them again.

The Court: Very well; Miss Jackson, Mr. Wilbun, and Mr. Thompson are all excused from further attendance.

Mr. Ritzi: If the court please, the Government desires to call Dorothy McClain.

DOROTHY McCLAIN,

called as a witness by plaintiff, being first sworn, was examined and testified as follows:

The Clerk: Please state your name.

The Witness: Dorothy McClain.

The Clerk: Be seated. Spell your last name, please.

The Witness: M-c-C-l-a-i-n. [52]

Direct Examination

By Mr. Ritzi:

Q. Now, Miss McClain, do you know the defendant, Herman Hayman? A. I do.

Q. How long have you known him, Dorothy?

A. Oh, I don't know the exact date, but from around the last of '45 or maybe the first of '46, I imagine.

Mr. Entenza: I wonder if you would be kind enough to speak just a little bit louder, please?

(Testimony of Dorothy McClain)

Q. By Mr. Ritzi: Do you know what kind of a car the defendant had around 1945 or 1946?

A. During the year '46 he owned a '42 Buick convertible.

Q. And did you ever drive around with the defendant?

A. I sure did.

Q. Did you ever drive around to mail boxes, maybe?

A. Yes.

Q. Did you ever take anything out of those mail boxes? A. Yes; at times we have.

Q. What were they? A. Checks.

Q. Government checks? A. Yes.

Q. Did the defendant ever tell you to go up and take [53] those checks out? A. Yes; he did.

Q. How many times did that happen, Dorothy?

A. Well, as often as he felt like going around looking for them.

Mr. Entenza: I did not get that answer.

The Witness: Well, as often as he felt like going around looking for them.

Mr. Entenza: That is the voice I like.

Q. By Mr. Ritzi: After you obtained these checks did the defendant instruct you to place the payees' names on the back of those checks? A. Yes; he did.

Q. Can you estimate how many checks there were, whether one or two, or whether 100 or 50 or 25?

A. Well, whenever we would ride around and look for the checks, it was during the time that the checks was coming out in the mail, and sometimes he would come by my house with checks for me to endorse. It was according to how many he could pick up.

(Testimony of Dorothy McClain)

Q. Did the defendant ever take any of those checks out of mail boxes, to your knowledge?

A. Yes; he has.

Q. I think I asked you this question: You say you took some of the checks out? [54]

A. Yes; I have taken checks out of boxes.

Q. Would the defendant point out the checks to you?

A. Yes.

Q. Where would he stop his automobile, in front of the house, or up or down the street?

A. Sometimes he was a couple of doors from where the check was.

Q. Did he tell you the check was in that box?

A. Yes. I would see it in the box.

Q. Did you hand the checks over to the defendant?

A. Yes, sometimes, and sometimes I would open them.

Q. And who put the payees' names on the checks?

A. I would.

Q. Who cashed the checks? A. I would.

Q. Did you give the money to the defendant?

A. Yes.

Q. Did you split the proceeds or did the defendant give you part of the money for the checks?

A. Yes; he did.

Q. What type of stores, normally, would you go to?

A. Well, sometimes it would be liquor stores, men's clothing stores, and sometimes shoe store.

Q. By the way, Dorothy, I show you an identification card—counsel, you have already seen this—and ask you [55] if that is you and that is your signature on there?

A. Yes.

(Testimony of Dorothy McClain)

Q. Did you ever use that card in cashing a check?

A. Yes; I did.

Q. Did the defendant give you that card?

A. I don't remember. That is a commercial check, isn't it?

Q. I don't know.

A. I don't know. He probably did, because he is the one that produced the cards.

Q. Did the defendant ever have any of these cards made out in blank? A. Yes; he did.

Q. Did he ever tell you how many of those cards he had made out?

A. Well, if I am not mistaken, I think it was 500.

Q. Each time you cashed a check did the defendant give you one of these cards? A. Yes; he would.

Q. Did you place your signature thereon?

A. Yes.

Q. Would you use this card or a similar card to pass the check? A. Yes.

Q. Is that your handwriting or the defendant's? [56]

A. That is my handwriting.

Mr. Ritzi: That is your handwriting. If the court please, Government's Exhibit No. 1 in evidence.

The Court: Is it offered in evidence?

Mr. Entenza: Yes. I want to question this witness about it.

Mr. Ritzi: I have more examination.

The Court: Is there objection to this offer?

Mr. Entenza: No; not at all.

The Court: The card is received into evidence and will be marked Government's Exhibit.

(Testimony of Dorothy McClain)

The Clerk: 1, your Honor.

Mr. Ritzi: I show you a check made out to Lieutenant Charles A. Wilbun and ask if you have ever seen that particular check before? A. Yes; I have.

Q. Do you notice the endorsement on the back of that check? A. Yes.

Q. Who placed that endorsement there?

A. I did.

Q. Was that done at the defendant's instance?

A. Yes. Well, I don't know if the defendant was around, but it is one that he gave me.

Q. That is one of the checks that the defendant gave [57] you? A. Yes.

Q. I am going to show you a pair of shoes here and ask if you have ever seen those particular shoes before.

A. Well, I don't know if those are the exact shoes but I have seen shoes like that.

Q. Where did you see shoes like that?

A. Well, I have seen the defendant wearing a pair of them.

Q. Well, do you know where he purchased those shoes?

A. Well, if those are his, from Goodwin's Shoe Store out in Hollywood.

Q. Were you along when he purchased the shoes?

A. Yes, sure.

Q. Was this check given in payment for those particular shoes? A. Yes; it was.

The Court: By "this check" you refer to what?

Mr. Ritzi: The check made to Lieutenant Charles A. Wilbun, your Honor, in the sum of \$282.50.

Q. Did the defendant purchase anything else at that time? A. Yes; he did.

(Testimony of Dorothy McClain)

Q. What else did he purchase?

The Court: Let us mark that check for identification. [58]

Mr. Ritzi: Yes, your Honor.

A. Well, it was a shoe store, so there wasn't anything but shoes he purchased out there.

Q. Well, do you recall did he purchase several pairs of shoes, or were there a number of pairs of shoes?

A. Well, there was sixty some odd dollars worth of shoes.

The Court: The Wilbun check is Exhibit 2 for identification?

The Clerk: That is correct, your Honor.

Q. By Mr. Ritzi: As I recall it, you said that he purchased sixty some odd dollars worth of shoes. Did you receive the difference between the Wilbun check and the price of the shoes? You tendered the check in payment of those shoes in the presence of the defendant, is that correct?

A. Yes.

Q. And the clerk handed you some change?

A. Yes; he did.

Q. What did you do with that change or with the bills?

A. Well, when the defendant went and got the car and picked me up on the corner of whatever the street was—I don't recall—I handed the change over to him and he gave me the amount that he wanted me to have.

(Testimony of Dorothy McClain)

Q. Do you recall what that amount was?

A. No; I sure don't. [59]

Q. These, however, appear to be one of the pairs of shoes that the defendant purchased? A. Yes.

Mr. Ritzi: I think I will introduce these for identification, if the court please.

The Clerk: 3 for identification.

The Court: That is the pair of shoes?

Mr. Ritzi: Yes, sir, your Honor. If the court please, this \$100.00 check, I do not think the Government has introduced that for identification. I think I will at this time.

The Court: Which check is that?

Mr. Ritzi: It is \$100.00 check made payable to Samuel T. Thompson.

The Court: Very well.

The Clerk: It will be Exhibit 4 for identification.

Mr. Ritzi: Yes.

Q. Now, I show you a bill which appears to be on the Goodwin Shoe Company, on one of their regular slips.

Pardon me, counsel, have you seen this?

Mr. Entenza: It is all right. I will see it afterwards.

Q. By Mr. Ritzi: —made out to Charles A. Wilbun, 1615 East 47th Street, and ask if that appears to be the bill that was given to you in payment of those shoes?

A. Yes; it does. [60]

(Testimony of Dorothy McClain)

Mr. Ritzi: If the court please, I will introduce this as Government's next in evidence, I think.

Mr. Entenza: No objection.

The Court: The sales slip?

Mr. Ritzi: Yes, your Honor.

The Court: Of the Goodwin Shoe Company?

Mr. Ritzi: Of the Goodwin Shoe Company.

The Court: It will be received into evidence and be marked Government's next exhibit.

The Clerk: 5, your Honor.

The Court: At this time we will take the noon recess. Is there objection to resuming at 1:30?

Mr. Ritzi: None at all, your Honor.

Mr. Entenza: None at all. In fact, I will appreciate it.

The Court: You may step down.

Mr. Ritzi: May the witnesses be instructed to return at 1:30?

The Court: Yes. All witnesses in the case of United States against Herman Hayman are instructed to return to this court, to this room, at 1:30 this afternoon. You are excused at this time until 1:30 and the trial is recessed until that time.

(Whereupon a recess was taken until 1:30 o'clock p.m. of the same day, Tuesday, January 7, 1947.) [61]

Los Angeles, California, Tuesday, January 7, 1947,
1:30 P.M.

Mr. Ritzi: Dorothy McClain. I believe she was our last witness.

The Court: Is the defendant present?

The Clerk: Yes, sir.

DOROTHY McCLAIN (Recalled)

Direct Examination (Resumed)

Q. By Mr. Ritzi: Miss McClain, is that Miss or Mrs.?

A. Miss.

Q. Miss. What type of stores or institutions were most of these checks cashed at, do you recall?

A. Liquor stores, men's clothing stores, and sometimes regular check-cashing places.

Q. Did the defendant ever tell you how much he was making each week out of these?

A. No; he didn't.

Q. He didn't state to you?

A. No; he didn't.

Q. Did you ever observe the defendant sign any of the checks himself, the payee's name?

A. I think two or three times he did.

Q. Two or three times. Did you testify this morning [62] whether or not you signed any of the payee's names at the defendant's request?

A. Yes, sir; I did.

Q. You did. Was there a substantial number of checks involved, do you recall?

A. Well, I don't recall just how many there really was, but there was quite a few.

Mr. Ritzi: Quite a few. I see. I think that is all.

(Testimony of Dorothy McClain)

Cross Examination

By Mr. Entenza:

Q. Didn't you say this morning that you had known Mr. Hayman or Hayman since 1942, or before that, or did I misunderstand you?

A. You misunderstood me.

Q. How long had you known him?

A. I said, around the last part of '45 or the first of '46.

Q. '45 or the early part of 1946? A. Yes.

Q. Speaking about the purchase of shoes, did I understand you to say that he bought the shoes?

A. Yes; he did. At least he chose the shoes that he wanted.

Q. He showed you the shoes that he wanted? [63]

A. He chose the shoes that he wanted me to pay for out of the check.

Q. You were to pay for them?

A. Yes; out of the check.

Q. You had the check, is that right?

A. Yes; I did.

Q. Did you go into the shoe store together?

A. Yes; we did.

Q. Can you remember how many pairs of shoes he bought or how many pairs of shoes he tried on, or do you recall either? A. I don't recall.

Q. Did you buy some shoes for yourself?

A. No; I didn't.

Q. You just bought the shoes for Mr. Hayman, is that right? A. Yes.

Q. Do you remember any conversation that you had with Mr. Hayman before you went into the shoe store as

(Testimony of Dorothy McClain)

to whether or not he would pay you back if you bought some shoes for him? A. Yes.

Q. He did say that, did he? A. Yes.

Q. And when you got into the store and you purchased [64] the shoes, you paid for the shoes with the check? A. Yes.

Q. And in the presence of the proprietor or of the clerk or whomsoever served you?

A. That is right.

Q. You endorsed the back of the check, is that right?

A. I sure did; yes.

Q. Did he supply you with a pen?

A. Yes; he did.

Q. The proprietor of the place or the manager, whomsoever he might be, supplied you with a pen and you wrote your name on the back of the check?

A. No; not my name.

Q. Well, you wrote the name that was in the check, is that right? A. Yes.

Q. Had you been practicing the name at all in writing?

A. No; I didn't.

Q. You just remembered the name and placed it on the check? A. Yes.

Q. Do you remember now what the name was?

A. Charles A. Wilbun.

Q. And that was the name that you placed on the back [65] of the check? A. Yes.

Q. Charles, did you say? A. Yes.

Q. That indicated that it was a man that the check was made out to? A. Yes; it was a man.

(Testimony of Dorothy McClain)

Q. And yet you signed the check in the presence of the manager, "Charles"? A. Yes.

Q. And you tendered the check in payment for the shoes, they wrapped the shoes up, did they, or put them in a box?

A. I don't recall if they were in a box or not, but they did wrap the shoes up.

Q. Do you recall the amount of change that you got back from the check? A. No, sir; I don't.

Q. But he did give you currency and change for the check? A. Yes.

Q. That is, the balance from the purchase of the shoes? A. Yes.

Q. Did you then walk out with Mr. Hayman? [66]

A. Yes; I did.

Q. Where was his car at that time?

A. Well, it was not directly in front of the shoe store but it was—

Q. You say Hayman's car was directly right in front?

A. I said it was not.

Q. It was up the street a half a block?

A. No; it was not half a block. I would say it was maybe three or four doors down from the store.

Q. Then there were a lot of cars parked by the curb there? A. Yes; there was.

Q. By the way, I don't know whether you were asked or not the location of this shoe store.

A. Well, I don't know the exact address of it. I know it was in Hollywood.

Q. It was a Hollywood shoe store but you can't recall the exact location? A. No; I can't.

(Testimony of Dorothy McClain)

Q. Had you been in the shoe store before?

A. No; I hadn't.

Q. Did you notice any of the shoes in the window, either you or Mr. Hayman?

A. Well, at the time we went into the store he wanted a pair of shoes like the ones I saw here this morning. [67]

Q. Like the ones that were exhibited here this morning?

A. Yes.

Q. He tried them on, did he?

A. Yes; he did.

Q. And said that he liked those shoes?

A. Yes.

Q. In walking out together did you walk down to his car?

A. No. I walked to the corner and he went—

Q. Did you walk in opposite directions?

A. Yes. And he went and got the car and picked me up on the corner.

Q. Did you meet him immediately after that?

A. Yes; as soon as he got the car and came and picked me up.

Q. He drove around and picked you up, is that right?

A. Yes.

Q. Do you recall where you went from that place, the shoe store?

A. No; I don't.

Q. Did he allow you to keep the money that you had in change that day?

A. No; I gave the money to him.

Q. You gave some money to him? [68]

A. I gave the money to him that I got from the check after he bought the shoes.

Q. You don't remember how much you gave him?

A. No; I sure don't.

(Testimony of Dorothy McClain)

Q. You divided it, however, is that right?

A. No. He divided it.

Q. He divided it? A. Yes.

Q. You gave all the money to him?

A. Yes; I did.

Q. And he in turn divided the money with you?

A. Yes.

Q. You can't remember how much you got?

A. No; I don't.

Q. You don't remember how much he received?

A. No; I don't.

Q. You testified that you had gotten some of these checks from mail boxes, is that right? A. Yes.

Q. After having been informed that the mail box contained a check? A. Yes.

Q. Do you recall how the checks were pointed out to you by the defendant Hayman?

A. Well, we would be riding around and he would notice [69] the check in the box and ask me to go get the check.

Q. He would ride around with you?

A. Yes; he would.

Q. And he would point out from the driver's seat of the car on either side? A. Yes.

Q. A mail box and would say "in that mail box"?

A. "There is the check."

Q. "There is the check"? A. Yes.

Q. And you would put your hand in the mail box and pull the letters out? A. No. I would see the check.

Q. You would see the check.

A. And get the check.

(Testimony of Dorothy McClain)

Q. How did you see the check?

A. Well, it was where you could see it. It was out, maybe, sticking out of the box and you could see it through the box, and you just got part of your hand in and got it.

Q. See if I understand this mail box. Was this one of those iron or steel boxes that they have on corners for picking up mail?

A. No; it wasn't.

Q. It was a mail box in front of a house, was it?

A. Yes; it was a residential mail box. [70]

Q. Was it open?

A. Yes; it was open.

Q. It was one of these open boxes where you put the mail in and the collector picks it up?

A. Well, it was on the house, just a regular mail box like on a house, someone's home.

Q. You could see through the opening in front?

A. Yes. Sometimes it had a little opening and sometimes it didn't have the top on it.

Q. Did you ever go to one of those mail boxes and not find a check?

A. No; I didn't.

Q. You always found a check in this mail box?

A. Yes.

Q. Would you recall any of the places where you happened to have picked up one of these Government checks?

A. No; I don't.

Q. Then it was just a ramble around the city?

A. Yes, sir; it was.

Q. Here and there, and he pointed them out to you, you got out of the car, putting your hand in the mail box and taking this certain check out?

A. Yes.

Q. In taking the check out did you take other mail along with it sometimes? [71]

A. No.

(Testimony of Dorothy McClain)

Q. You knew exactly where that check was and you knew how to pull it out of the other letters that might be in the box, is that right? A. Yes; that is right.

Q. Did the box contain papers as well as letters?

A. Sometimes.

Q. It was a mixed box?

A. Sometimes they did.

Q. Sometimes papers were in there, too, is that right?

A. Yes; that is right.

Q. Was that incoming mail or was it outgoing mail or do you know?

A. Well, the outgoing mail would be down on a little hanger under the box.

Q. That was outgoing mail? A. Yes.

Q. And where you received the check was the incoming mail? A. That is right.

Q. And do you remember the largest check that you happened to have found in one of those mail boxes?

A. No; I sure don't.

Q. Do you remember the smallest one?

A. No; I don't. [72]

Q. In every instance you speak about here you were in the company of Mr. Hayman, is that right?

A. Yes; I was.

Q. And were you ever in company with anyone else in picking up checks? A. Yes; I was.

Q. Then there was someone else involved besides you in picking up the checks? A. Sure it was.

Q. A man? A. No.

Q. A woman? A. Yes.

Q. In that instance who pointed out the checks?

A. Herman Hayman.

(Testimony of Dorothy McClain)

Q. I asked you whether you were in company of someone else, in the absence of Mr. Hayman?

A. Oh, no; I was not.

Q. He was always along when you found the check?

A. Yes.

Q. And sometimes two women would be along, is that right?

A. That is right.

Q. Would you mind mentioning who the other woman was?

A. Juanita Jackson. [73]

Q. And the two of you then would be together?

A. Yes.

Q. Did you travel quite frequently, the three of you together?

A. Just as often as he wished.

Q. And you went out in the evenings together, did you?

A. Yes; we have gone out in the evenings.

Q. To cafes together?

A. No; no cafes.

Q. You went to San Francisco together, didn't you?

A. No. I have never been to Frisco.

Q. Went to San Diego?

A. Yes; we went to San Diego.

Q. Did you find any checks there that were pointed out to you?

A. We didn't go for that purpose.

Q. Did you go to Long Beach?

A. No.

Q. Did you go to any other neighboring city in the environs of Los Angeles?

A. No.

Q. Then, Los Angeles was the only place of operation?

A. That is right.

Q. Santa Monica?

A. No. [74]

Q. You did go to Santa Monica, though, didn't you?

A. I have never been to Santa Monica.

(Testimony of Dorothy McClain)

Q. If you were never there, of course, you never found any checks there. And did you go to Bakersfield?

A. No.

Q. Were you picking up checks in Glendale?

A. No.

Q. Any in Hollywood? A. No.

Q. Well, can you define the district in which you found the checks?

A. Well, just wherever he felt like driving or riding to see where he could find checks.

Q. Was it particularly directed to the neighborhood in which white people lived mostly or was it colored people in the neighborhood?

A. Well, just sometimes it was colored and sometimes it was white.

Q. Sometimes colored as well as white?

A. Yes.

Q. It made no difference what the color was so long as the check was there, is that right?

A. That is right.

Q. Do you remember whether or not Mr. Hayman was working? [75] A. Yes; he was.

Q. Could you recall where he was working?

A. Kirkhill Rubber Company.

Q. Did you ever have occasion to go out to the rubber company and wait for him?

A. Yes; I have gone out there.

Q. And did you wait at the gate?

A. It wasn't a gate to wait.

Q. Where did you wait for him around the rubber plant? A. In the car.

(Testimony of Dorothy McClain)

Q. In the car? A. Yes.

Q. In his car? A. Yes.

Q. Then his car was parked in a certain place and you knew where it was parked? A. Yes; it was.

Q. You got in the car and waited until he was finished with his employment? A. Yes; I **did**.

Q. Sometimes that would be late in the afternoon, would it? A. That was only once.

Q. A quarter of one?

A. I say, it was only once. [76]

Q. Only once? A. Yes.

Q. Do you know of any other place where he was employed? A. No; I don't.

Q. You are now incarcerated, aren't you, in Tehachapi? A. Yes; I am.

Q. Having pleaded guilty in one of these check cases?

A. Yes.

Q. And you are here to testify in accordance with the evidence as you remember the evidence to be?

A. That is right.

Q. Do you recall ever having gone to Las Vegas, Nevada, with Hayman? A. No; I don't.

Q. Then you confined your trips with Hayman to right around Los Angeles, with the exception of these trips that you made to San Diego? A. Yes.

Mr. Entenza: That is all.

Redirect Examination

By Mr. Ritzi:

Q. Do you know if the defendant had other girls working for him in the theft of these letters? [77]

A. Not that I know of.

(Testimony of Dorothy McClain)

Q. Do you know Chestine Thomas?

A. Yes; I know her.

Q. Do you know if the defendant had her working for him? A. Not that I know of.

Q. How about Ethel Dolan?

A. Yes; she worked.

Q. She has worked for the defendant? A. Yes.

Q. In stealing checks? A. Yes.

Q. You know that? A. Yes.

Q. You are in Tehachapi because of some check charges? A. Yes.

Q. Who gave you those particular checks, by the way?

A. Herman Hayman.

Mr. Ritzi: That is all, thank you.

Mr. Entenza: Just a minute.

Recross Examination

By Mr. Entenza:

Q. Did you say that other girls were working for this fellow? [78] A. Yes.

Q. Were you in company with those girls?

A. Yes.

Q. Well, then, there were other girls than Miss Parker, is that right? A. I don't know Miss Parker.

Q. Well, the girl that you mentioned was whom?

A. Juanita Jackson.

Q. Juanita Jackson was the only girl that you mentioned. There were other girls that you were in company with?

A. Ethel Dolan—her name is Ethel Jones.

Q. That is an afterthought? A. Yes.

(Testimony of Dorothy McClain)

Q. The memory of that girl comes now after you have mentioned Mrs. Jackson's name. Where did you go with her? A. With whom?

Q. This last named lady? A. Dolan?

Q. Yes.

A. Right around in Los Angeles the same way.

Q. Was she in the car with you?

A. It has been sometimes she was.

Q. Sometimes three of you in the car?

A. Yes; it has been.

Q. That is three ladies and one man, the defendant? [79] A. Yes.

Q. With anybody else? A. Not that I know of.

Q. Did you ever see her get out and find a check?

A. Yes.

Q. Yes. Yourself and two of you women remained in the car while she stepped out to get the check?

A. Yes.

Q. In that instance where would the car stop?

A. Up the streets wherever he would see a check and wanted to stop up the street.

Q. What kind of a car was he driving at that time?

A. I think he was driving a little blue Mercury at that time.

Q. He was doing the driving, was he?

A. Yes; he was.

Q. These identification cards shown you this morning, how did you get your photograph on those cards?

A. I put it on there.

Q. You put them on yourself? A. Yes.

(Testimony of Dorothy McClain)

Q. Was it taken from a larger photograph than that of a snapshot? A. Instead of a snapshot.

Q. It was a snapshot. You would paste them on your- [80] self? A. Yes.

Q. How would you paste them on?

A. Sometimes with gum, sometimes we would have glue, mucilage.

Q. And you filled the card out then yourself in your own handwriting? A. Yes.

Q. If there was anything to fill out there at all?

A. I have did that.

Q. Did you get these cards out of Mr. Hayman's car?

A. Yes; I did.

Q. Did you know they were located in the car?

A. No; I didn't.

Q. Did you get many cards out of the car or did you get but one card?

A. As many checks as he would give me, he would give me the same amount of cards.

Q. He would give you a card on every identification?

A. Yes.

Q. And you had a fresh identification each and every time, is that correct? A. That I cashed a check.

Q. Every time you would cash a check you would write [81] your name on that card? A. Yes.

Q. And your picture, you would verify the person?

A. Yes.

Q. And you would then present that to the liquor man or whomsoever you were cashing it from, and he recognized your face and he recognized the name upon the back of the check; you would write that name, is that right?

A. That is right.

(Testimony of Dorothy McClain)

Q. And you would cash the check and go out into the car and give it to Mr. Hayman, is that right?

A. Yes; that is right.

Q. And when the three of you women were together and you brought a check in how was the division then made?

A. Well, it is according to who would cash the check.

Q. Who would cash the check would get their per cent?

A. Yes.

Q. Do you remember anything about the per cent being spoken about? What per cent did you get, for instance?

A. Oh, it wasn't a per cent. It was just whatever he felt like giving me.

Q. Whatever he felt like giving you?

A. Yes.

Q. And you were not working at the time, were you?

A. Well, I was working at one time. [82]

Q. Did you work any during the year 1946, say, starting last March?

A. No; I didn't.

Q. You lived, then, practically upon the proceeds of the amounts that he gave you as the differential in the check cashing?

A. I was getting money from where I used to work.

Q. You were drawing money in other places?

A. Yes.

Q. Did you cash any of these checks in check-cashing places?

A. Yes; I did.

Q. You cashed several checks, did you not, on Broadway?

A. Yes; I probably did.

Q. At 315 Broadway, in the entrance of the building?

A. I don't know the exact address.

(Testimony of Dorothy McClain)

Q. Do you remember the size of the checks that you cashed there?

A. I don't even know where you are talking about there.

Q. You remember you did cash a check on Broadway somewhere?

A. Yes; I have cashed checks on Broadway.

Q. Where was the defendant located at that time as to [83] his car?

A. Wherever he found parking space.

Q. He would find a parking space? A. Yes.

Q. Would he find a parking place first and you walk out of the parking place toward the checking place?

A. Yes, sir; that is right.

Q. You knew what parking place he was parked in each instance? A. I knew where to find him.

Q. Did you know where to find him on this date?

A. What date?

Q. What is it? A. What date?

Q. The date you cashed this check on Broadway.

A. He was in the store with me.

Q. Did he go into the check-cashing place with you?

A. Which check are you talking about?

Q. I asked you if you cashed a check in a check-cashing place on Broadway.

A. I have cashed several checks at several cashing places on Broadway.

Q. There are several places on Broadway?

A. Yes.

Q. He was with you on some of these occasions? [84]

A. Yes; he has been with me.

(Testimony of Dorothy McClain)

Q. He walked right in there with you, did he?

A. Yes; he has.

Q. In that instance he was not out in the automobile, seated up the block; he was right with you?

A. At that time. At times he has been, and at times he has been sitting up in the car, up the block.

Q. And he was standing right alongside of you when you cashed the check? A. Sometimes he has.

Q. Do you remember the largest check you cashed?

A. No; I don't.

Q. The relationship between you and Mr. Hayman was merely based upon friendship, is that so?

A. That is all; just associates.

Q. And you knew one another before you started to cash these checks, did you not? A. Yes; we did.

Q. You kept company with one another, did you?

A. No, no, no.

Q. Do you know his family?

A. I know his wife.

Q. Any children? A. I have seen them.

Mr. Entenza: That is all. [85]

Redirect Examination

By Mr. Ritz:

Q. You mentioned a blue Mercury that the defendant had. Did he have any other type of automobile that you recall?

A. No, not—no, other than the Mercury and the Buick that he has.

Q. Did you say he had a Buick.

A. He had a Mercury before the Buick. He just got it.

(Testimony of Dorothy McClain)

Q. What kind of a Buick was that?

A. '42 Buick.

Q. Was that a convertible coupe or a sedan?

A. Convertible.

Mr. Ritzi: That is all.

The Court: You may step down. Mr. Clerk, will you call the 2:00 o'clock calendar?

(Intermission for other court proceedings.)

The Court: You may call your next witness.

Mr. Ritzi: Mr. Paul Redd, please.

PAUL CHESTER REDD, III,

called as a witness by plaintiff, being first sworn, was examined and testified as follows:

The Clerk: What is your name?

The Witness: Paul Chester Redd the third. [86]

Direct Examination

By Mr. Ritzi:

Q. Mr. Redd, do you know the defendant in this case, Mr. Hayman? A. Yes; I know him.

Q. How long have you known him?

A. I have known him since about June—let me see. I met him about in June, 1945, up until now.

Q. Where did you live during that time?

A. 4181 Compton Avenue.

Q. Were you living there at that time?

A. Yes, sir.

Q. Did the defendant ever bring any checks to you and ask you to forge the payees' names on the back of those checks? A. Well, yes.

(Testimony of Paul Chester Redd, III)

Q. He did. Let me show you a check here, the check contained in counts 1, 2 and 3 of the indictment. It is a check made out to "Samuel T. Thompson" in the sum of \$100.00, and ask you to look at the endorsement on the back of that check. A. Yes; I see it.

Q. Whose handwriting is that?

A. My handwriting.

Q. Is that your handwriting? [87] A. Yes, sir.

Q. Who asked you to put that endorsement on that check?

A. Well, when it was brought around I was asked to put it on there by the defendant.

The Court: Please speak louder.

The Witness: Oh, I am sorry. Well, it was brought around and I was asked to sign it by the defendant.

Q. By Mr. Ritzi: The defendant asked you to put the payee's name on that? A. Yes.

Q. Did the defendant frequently bring checks to you and ask you to put the payee's name on the back of those checks?

A. Well, I couldn't remember over four times at the most, but they had five checks but they said my handwriting meant—

Q. I show you a group of checks here, one to W. L. Stamford in the sum of \$100.00; another one to William L. Weaver in the sum of \$139.00; another one to Ray H. Rumsey in the sum of \$100.00; another one to William S. Burn in the sum of \$100.00; and you have already seen the Thompson check. Will you look at those checks and tell me if you recognize them? A. Okay. [88]

(Testimony of Paul Chester Redd, III)

Q. Look on the rear of the checks, too, at the endorsements.

The Court: What you referred to as the Thompson check is Exhibit 4 for identification?

Mr. Ritzi: That is correct. That is the check that the witness said he put the payee's name on.

A. Well, I remember these three. I don't remember this one.

Q. These three checks here, you mean the check in the sum of \$100.00 to W. L. Stamford, another one in the sum of \$139.05 to William L. Weaver, and the other one to Ray H. Rumsey?

A. Yes, sir.

Q. In the sum of \$100.00?

A. Yes.

Q. You have observed the endorsements on the rear of those checks?

A. Yes; I have.

Q. Whose handwriting are those endorsements?

A. It is my handwriting.

Q. Your handwriting. Who asked you to place the endorsements thereon?

A. Well, Herman Hayman.

Q. Herman Hayman?

A. Yes, sir. [89]

Q. Did you get any of the proceeds from these particular checks?

The Court: Speak loud, please.

A. Well, whenever I—I mean if I saw him again, why, he would let me have about, maybe, you know, about \$15.00 or \$20.00, like that, for signing the check. I mean I refused to sign the checks—

Mr. Ritzi: I will offer these checks into evidence as the Government's next exhibit.

The Court: What checks are you offering?

(Testimony of Paul Chester Redd, III)

Mr. Ritzi: The Stamford, the Weaver, and the Rumsey checks. They are similar acts. They are not the ones that were charged in the indictment.

The Court: Is there any objection?

Mr. Entenza: I will object to the admission of those two. The Thompson check I can't object to.

Mr. Ritzi: There are three, counsel. The Thompson check is already in.

Mr. Entenza: There are three others besides that?

Mr. Ritzi: Yes.

Mr. Entenza: Four in all?

Mr. Ritzi: There are four in all.

Mr. Entenza: I object to the other two.

The Court: There are three checks now being offered, as I understand his offer. [90]

Mr. Entenza: I am objecting to two of those.

The Court: Not mentioned in the indictment?

Mr. Entenza: Those not mentioned in the indictment I am objecting to their admission in evidence.

The Court: What is the ground of the objection?

Mr. Entenza: None other than the fact that they are not material. I can't very well avoid their appearance. I made the objection because I thought it was proper.

The Court: The purpose of the offer is for the limited purpose of—

Mr. Ritzi: Showing similar acts.

The Court: —negative mistake, showing intent.

Mr. Ritzi: Common scheme and plan of action.

The Court: Very well; the objection is overruled. The time charged in the indictment—

(Testimony of Paul Chester Redd, III)

Mr. Ritzi: I think the checks are around about the same time or reasonably close to it.

The Court: The three checks are received into evidence and will be marked Government's next exhibit.

The Clerk: 6, your Honor.

Q. By Mr. Ritzi: Did you cash any of these checks for the defendant?

A. No; I didn't. I mean after I signed them, they were always given back to him. I don't know what happened to them. [91]

Mr. Entenza: Can't you speak just a little bit louder?

The Witness: I say, after I signed them, they were given back and I don't know what happened to them.

Mr. Entenza: Did you give the checks back to him?

The Witness: The one I got them from; yes, sir.

Q. By Mr. Ritzi: By the way, do you know what type of automobile the defendant had at this time?

A. Let me see. I don't remember, but he had the Buick when I knew him.

Mr. Entenza: I object to that question as being irrelevant and immaterial as to what automobile he had. I don't know whether he was ever in that machine.

Q. By Mr. Ritzi: Were you ever in that machine?

A. Yes; like going to a show or something like that.

Q. Oh, I see. What type of car was that?

A. That was a Buick.

Q. A Buick? A. Yes.

Q. What year was it, do you know? A. A '42.

(Testimony of Paul Chester Redd, III)

Q. Do you know how many checks the defendant gave you and asked you to forge the payees' names thereon?

A. No, sir. Just those, you know, that have been brought out.

Q. Those were the only checks? [92]

A. Those were the only ones.

Mr. Ritzi: I see. That is all.

The Court: By "those" are you referring to the checks shown to you since you have been on the witness stand?

The Witness: Yes; those four.

The Court: The three comprising the Exhibit 6?

The Witness: Yes.

The Court: And the Thompson check?

The Witness: Yes, sir.

The Court: Exhibit 4 for identification.

Mr. Ritzi: That is all.

Cross Examination

By Mr. Entenza:

Q. Mr. Redd, what occasioned Mr. Hayman to go up to your house and give you some checks to endorse?

A. On what occasion?

Q. What occasioned it? What occasioned him to do it? Had you and he been rambling around together?

A. Oh, no. I mean I didn't, you know, I mean going to the show every once in a while and like that. But so far as rambling around, I mean I never hardly ever saw him besides that.

Q. Did you ever go to school with Hayman in your younger days? [93]

A. No; I didn't.

Q. Not here?

A. I say, I did not.

(Testimony of Paul Chester Redd, III)

Q. You did not? A. No.

Q. But you have known him since June, 1945, is that right? A. Yes, sir.

Q. And he came up into your house and gave you these checks? A. No, sir.

Q. Where did he find you to give you the checks?

A. Well, I mean there is a corner right around from my house. I would see him there.

Q. You would meet him there or you did meet him there. Was that your regular meeting place? Was that a place that you met him quite frequently?

A. Well, yes.

Q. On these occasions he gave you these checks? On one of these occasions he gave you these checks, is that right?

A. No. He handed them to me to sign and then I handed them back. He didn't give them to me, because I didn't want them.

Q. You say he did not give you the checks? [94]

A. He handed them to me to sign and I gave them back, and I never saw them any more.

Q. He handed you the checks and asked you to sign them, is that right? A. Yes, sir.

Q. Did he use the word "endorse"?

A. "Sign"; he used the word "sign".

Q. He just said, "sign the checks"?

A. Yes, sir.

Q. You had signed checks before, hadn't you?

A. My own.

Q. Your own checks. You had been working somewhere and received checks? A. That is right.

(Testimony of Paul Chester Redd, III)

Q. You knew where to sign the checks, didn't you?

A. I mean everybody who knows how to work knows how to sign checks.

Q. You signed the check there and signed it on the back?

A. It was turned over when it was handed to me.

Q. When it was handed to you it was already turned over? A. Yes, sir.

Q. You did not turn it over? A. No, sir. [95]

Q. You did not ascertain how much the check was for when you signed it?

A. No. The only time I knew the amount was when they showed it to me up there, because I had forgotten about the whole thing.

Q. There was a name written in the check, is that right? A. In the check?

Q. Yes. A. You mean on the check?

Q. Yes; on the check.

A. I mean it was—well, it was told to me. I mean, you know, he was on—it was on a little piece of paper. I just copied it off the paper.

Q. Did you look at the name?

A. On the check?

Q. On the check.

A. No. It was already written on a little slip of paper.

Q. A little slip of paper where? A. What?

Q. Who wrote the name down on a little slip of paper?

A. I don't know who wrote it but it came with the check.

Q. It came with the check, the name? [96]

A. Yes.

(Testimony of Paul Chester Redd, III)

Q. Did you turn it over yourself or was it turned over, as you stated a little while ago, and you then endorsed it?

A. It was turned over and then I endorsed it.

Q. What name did you endorse?

A. The name that was on that piece of paper.

Q. The name that was on that piece of paper that accompanied the check? A. Yes, sir.

Q. You wrote that name on the back of the check, is that right? A. That is right.

Q. On this occasion you wrote it on three checks, did you, or one check or two checks or five checks or ten checks or how many checks?

A. On all the checks that were shown to me. They were not all shown to me at once. They were shown to me at different times, but they were all given to me in the same way.

Q. They were all given to you in the same way?

A. Yes.

Q. You met him at the corner, did you?

A. Yes. Yes, sir.

Q. And at the corner he gave you these checks, is that [97] right? A. Yes; one at a time.

Q. One at a time? A. Yes.

Q. Then where did you go to endorse them?

A. I stood right there.

Q. Right standing there, right there on the street?

A. Yes, sir.

Q. Was it in the day time or in the night time?

A. It was in the afternoon.

(Testimony of Paul Chester Redd, III)

Q. It was in the afternoon. Did you place the check up against the wall or upon a hard surface of some kind to write the name on the back?

A. I held it in my hand.

Q. And wrote on the back of the check in your hand?

A. Yes, sir.

Q. And you gave the check back to Mr. Hayman?

A. Yes, sir.

Q. What is the largest number of checks that he gave you on any one occasion? A. One check at a time.

Q. One check at a time. Would you say one check a day or one check handed to you five minutes after three and ten minutes after three another one, or two minutes after three? [98]

A. Oh, no, sir. They were all handed to me on different days, and I can't recall the dates.

Q. There would be several days separating them, is that right?

A. I don't recall that. There might have been a month separating them, but I don't recall the dates on the checks.

Q. This started when, do you recall?

A. I don't know. Maybe—I don't even remember when it started.

Q. Would it be the first part of January, 1946 or the first part of the last quarter of 1946?

A. Well, it must have started—let me see. I think it started sometime in 1945 and didn't stop until in 1946.

Q. It didn't stop until 1946?

A. You see,—well, I don't recall the dates, but on the check, I think one of the checks was dated March, 1946. I mean they showed me the date.

(Testimony of Paul Chester Redd, III)

Q. 1946, in March, as you recall, is that right?

A. Yes, sir. Well, I don't even remember, you know, in that latter time, but it had my handwriting on it; so it is my check, I guess.

Q. Did you and Haymen ever room together?

A. No, sir.

Q. You only associated with one another around about, [99] is that right?

A. Yes; like going to a show or something like that.

Q. You rode in his car, did you?

A. Yes; once in a while.

Q. Did you ever have him point out to you where you could get some of these checks? A. No, sir.

Q. He just brought the checks to you and asked you to endorse them, is that right? A. That is right.

Q. And you endorsed them the first time without remuneration, did you, or did you not?

A. Without what?

Q. Without money, without payment to you?

A. Yes, sir.

Q. Did he pay you very much for endorsing the checks?

A. Well, I say he paid me maybe \$15.00 or \$20.00.

Q. He gave you \$15.00 or \$20.00 for endorsing a check? A. Yes, sir. Yes.

Q. One check? A. Yes.

Q. \$15.00 or \$20.00 he gave you for endorsing a check. Did you notice the figure on the check as to the amount indicated in money? [100]

A. I never did get to see the front.

Q. Never did look at that? A. No.

(Testimony of Paul Chester Redd, III)

Q. You don't know whether they were \$50.00, \$60.00, \$70.00, \$80.00, then, do you? A. No, sir.

Q. All you were interested in was the name on the little slip of paper, is that right? A. Yes, sir.

Q. And you signed on the back of the check the name that you observed on the paper? A. Yes, sir.

Q. Was it typewritten? A. No.

Q. Was the name typewritten or in longhand?

A. It was in longhand.

Q. Longhand. And you deciphered it and wrote that name on the back of the check; he gave you \$20.00 for that, did he?

A. Whenever I saw him again. I never saw him after I cashed the check until maybe the next week.

Q. Would he cash the check in your presence?

A. No, sir.

Q. Did you make an arrangement to meet him later on? A. No, sir. [101]

Q. Where would you meet him to get the \$20.00?

A. On the same corner.

Q. The same corner? A. Yes, sir.

Q. And, in the day time, afternoon?

A. You know, different—

Q. Evening or when?

A. Different times. I don't know; just at different times.

Q. Well, did you stand on the corner all the time, or did you have a day set and an hour or time to meet him?

A. I didn't have no certain day.

(Testimony of Paul Chester Redd, III)

Q. Then, that was a hangout of yours on that corner, was it?

A. Just right next door to my house. I hung out there all the time.

Q. That is right. And he drove up and found you there?

A. Yes.

Q. And that was the time he gave you the check?

A. Yes.

Q. In all, how many checks do you think that he gave you since last March, Mr. Redd?

A. I can only remember—since last March, he hasn't given me any since last March. [102]

Q. I thought you stated it possibly started some time last March.

A. I didn't say last March. I said it possibly started in January, 1945.

Q. 1945?

A. Yes; that is what I said.

Q. You got some checks?

A. I don't know. I said, "possibly." You asked me when. Since I can't remember the date, I just started from where I remembered.

Q. I asked you a question if you can remember how many checks you received?

A. In all the time?

Q. All together.

A. Well, I don't think that I had received over three or four.

Q. Well, you only received three or four, then, all this period of time, is that it?

A. I said I didn't think I did. I am not sure.

Q. And you got some money on each one of these checks, is that right?

A. Yes, sir.

(Testimony of Paul Chester Redd, III)

Q. And he never paid you until the day after or a few days after, when you met him on the corner?

A. Whenever I saw him on the corner; yes. [103]

Q. And he would pay you, would he?

A. He would give me some money.

Q. He would give you some money, cash money? Give you cash money, would he?

A. Yes; it was cash.

Q. Did you ever see him in company with some women, some girls?

A. Sure. I would be going down the street and I would see him.

Q. Well, you were in the courtroom when some of these ladies testified, were you not? A. Yes, sir.

Q. And did you ever see him in their company at the corner?

A. No; not at the corner. He was always by himself.

Q. He was always by himself? A. Yes, sir.

Q. Always driving the car that you have described here? A. Well, not always.

Q. Did he get out of the automobile? Would he walk out to the corner or would he stop the automobile at the corner? A. Well, I mean we—

Q. Would you get in the car and ride with him then? [104]

A. No, sir. I would always sign it standing up there at the corner.

Q. Do you remember when you received the last check? A. No; I don't remember.

Q. Do you remember when you received the second check? A. No; I don't. I don't remember.

(Testimony of Paul Chester Redd, III)

Q. Do you remember whether or not Mr. Hayman was working at that time?

A. Yes; I think he was working, working at the rubber company, the Kirkhill Rubber Company.

Q. Some rubber company? A. Yes, sir.

Q. Were you working?

A. Well, I was working at a hospital.

Q. You were working in a hospital? A. Yes.

Q. What hospital?

Mr. Ritzi: I don't think that is material, if the court please.

The Court: Overruled. You may answer.

A. The General Hospital, Los Angeles County General Hospital.

Q. By Mr. Entenza: You worked there all day, did you? A. Working there all day.

Q. Day shift or night shift? [105]

A. I worked there part-time, Saturdays and Sundays.

Q. Part-time. You did not tell Mr. Hayman that you were going to be a partner of his, did you?

A. No, sir. I never thought of it that way. I mean—

Q. Did you ever get any monies from him besides the monies that you got on those checks?

A. Well, if I needed a package of cigarettes or something.

Q. A package of cigarettes? A. Yes, sir.

(Testimony of Paul Chester Redd, III)

Q. Did you ever know anything about where Mr. Hayman got these checks? Did he ever tell you?

A. I never even asked him.

Q. Never said a thing to you about it?

A. No. I never even asked him.

Q. Never asked him. You just signed the checks because he asked you to endorse them, is that right?

A. Because what?

Q. He gave you the check and asked you to sign your name and you did so, is that right? A. Yes.

Q. How old are you? A. I am 18 right now.

Q. What? A. I am 18 right now. [106]

Mr. Entenza: 18 years old. That is all.

Redirect Examination

By Mr. Ritzi:

Q. Did the defendant ever ask you to go out and steal mail from mail boxes? You can answer that yes or no.

A. No. No; he never asked me to.

Mr. Ritzi: All right; that is all.

Q. By Mr. Entenza: Did you ever drive to San Diego with him? A. No; I didn't. No; I haven't.

Mr. Entenza: That is all.

Mr. Ritzi: That is all. May this witness, Paul Redd, be excused?

The Court: Is there objection?

Mr. Entenza: No objection.

The Court: You are excused from further attendance, Mr. Redd.

JACKSON H. MARTIN,

called as a witness on behalf of plaintiff, being first sworn, was examined and testified as follows:

The Clerk: Please state your name.

The Witness: Jackson H. Martin. [107]

Direct Examination

By Mr. Ritzi:

Q. Mr. Martin, do you know the defendant in this case, Mr. Hayman? A. I have seen him before.

Q. What was the occasion of seeing the defendant?

A. The first time is when he came into my headquarters down at Sixty-second and San Pedro Street.

Q. And what happened then?

A. The first time he came in he made a small purchase, I can't remember what it was. But I definitely remember seeing the man. I can remember the man coming in and buying something. The day following he came in with a check which I cashed.

Q. Did he make a purchase the following day?

A. He did.

Q. What was the purchase?

A. Two bottles of Kings Treasure, Scotch-type whisky.

Q. You say he tendered you a check in payment?

A. That is right.

Q. Now, I show you a check drawn on the Treasury of the United States, payable to Samuel T. Thompson, in the sum of \$100.00. Have you ever seen that check before?

A. Yes. This a photostat of the check I cashed. [108]

Q. You cashed that check for the defendant?

A. That is right; yes, sir.

(Testimony of Jackson H. Martin)

Q. Did the defendant state to you that he was Samuel T. Thompson. A. That is right. I asked him.

Q. How was the cashing done? You say he made a purchase. What did you do, give him the change?

A. No. I always cashed the check first and counted out the full amount, which was \$100.00—I remember that distinctly—and gave him back a \$10.00 bill and the change from it I don't remember. It ran \$8.45.

Q. You mean for the purchase?

A. That is right.

Q. And then you did cash this check for him?

A. I did.

Q. He told you he was Samuel T. Thompson?

A. He told me he was Samuel T. Thompson.

Q. Did he tell you he was recently discharged from the Army and this was his mustering-out pay?

A. Yes. I noticed it was mustering out pay and I asked him if he had just gotten out of the service. He said, "Yes." And then I asked him at this time if it was his check and he said it was his check, again.

Q. By the way, you saw the two ladies who testified on the stand here, two colored women. Were they ever in [109] your store cashing checks?

A. Yes. I still have a photostat of it.

Q. You say they have been in your store cashing checks. Were those checks good or bad, do you recall?

A. They were bad.

Mr. Ritzi: They were bad.

Mr. Entenza: That is all?

Mr. Ritzi: Yes.

(Testimony of Jackson H. Martin)

Cross Examination

By Mr. Entenza:

Q. Was this check cashing on the part of the women before Mr. Hayman went into your place or after?

A. It was before.

Q. While he was in there on this day was he accompanied by anyone at all? A. He was not.

Q. Did you see him sign that name on that check in your place? A. I did not.

Q. You did not. He merely showed you the signature and the check; you inquired of him about it and gave him the Scotch, but you gave him the cash first?

A. That is right.

Q. And he verified by word of mouth that that was his [110] signature? A. That is correct.

Q. You remember of having asked him that?

A. I do, definitely.

Q. And that was satisfactory to you, was it? It was a large check.

A. I learned all too late that it was not.

Q. You sold him some Scotch on this day for \$8.00 and something? A. Domestic Scotch.

Q. That was a \$10.00 bill out of \$100.00?

A. That is right. I gave him \$10.00.

Q. You gave him \$10.00? A. Yes.

Q. And he made the purchase out of a \$10.00 bill; you gave him a \$10.00 and \$2.00 change, whatever it was, after he made the purchase of Scotch whisky?

A. That is correct.

(Testimony of Jackson H. Martin)

Q. You never made any further inquiry as to his identity, who he was, or anything of the kind?

A. No.

Q. Never asked him for a card? A. No.

Q. A driver's license or anything?

A. No. [111]

Q. Your liquor store is located where?

A. Sixty-second and San Pedro Streets. That is in Los Angeles.

Q. I believe you testified in answer to a question of the Government's attorney that these women who testified this morning that you observed on the stand, at different times had been in your place and cashed checks?

A. They had, one check.

Q. One of them or one check? A. One check.

Q. One check. A. That they cashed.

Q. Were they together at that time?

A. They were.

Q. Did they make a liquor purchase at that time?

A. I can't recall.

Q. In that instance you recall that they endorsed the check in your presence?

A. I don't believe they endorsed it—no; they didn't endorse the check in my presence.

Q. They did not? A. No.

Q. Then you cashed a check from these women about the same as you cashed the check for Mr. Hayman, did you not? A. That is right. [112]

Q. Without having endorsed the check on the back?

A. Now, wait a minute. I said they didn't endorse the check in front of me; no.

(Testimony of Jackson H. Martin)

Q. That is what I say; they did not endorse the check in front of you. A. That is correct.

Q. In both instances, you recall that they did not endorse in your presence? A. Yes.

Q. The instance of the women and in the instance of the defendant Hayman? A. That is correct.

Q. How many checks has this man Hayman cashed in your place? A. One, that I cashed myself.

Q. Pardon? A. One check is all.

Q. Is that check in evidence here?

A. Samuel T. Thompson.

Q. Did you ever cash another check?

A. For him?

Q. Yes. A. No.

Q. You recall him being in there any other time?

A. I recall him being in. I think it was the day [113] before. It was either one or two days before that he came in the store. What he purchased at that time I didn't remember, but he came back a second time and I did cash the check.

Q. The second time it was this \$100.00 check?

A. Yes. On the other checks you were referring to, the women, they were in before him.

Q. And the first time that he came in the place he merely made a purchase from the pocket?

A. That is correct.

Q. Instead of tendering a check in payment, is that right?

A. Yes; if I am not mistaken. I think it was beer. I am not sure.

(Testimony of Jackson H. Martin)

Q. Would you recall or would you remember at all on this occasion whether or not he tendered you a check from a rubber company and you cashed it, a regular check from the rubber company by which he was employed?

A. The first time?

Q. Yes. A. I don't recall. I cannot remember.

Mr. Entenza: That is all.

Redirect Examination

By Mr. Ritzi: [114]

Q. By the way, what was the date or about the date that this was cashed?

The Court: "This" means what?

The Witness: What was cashed?

Mr. Ritzi: This particular one, the \$100.00 check.

A. Samuel T. Thompson. It was around the middle of March. I would say between the 15th or 16th and the 20th, perhaps a little earlier than that. I would say between the 10th and 20th. It is rather hard for me to remember that far back.

Q. However, it was in March?

A. It was in March; yes.

The Court: You have been referring to Exhibit 4 for identification?

Mr. Ritzi: Yes. And might it go in evidence, your Honor? That is all.

The Court: Exhibit 4 for identification is offered into evidence. Is there objection?

Exhibit 4 for identification is received into evidence.

Mr. Ritzi: Mr. S. Kendall Gibson, is he here?

S. KENDALL GIBSON,

called as a witness by plaintiff, being first sworn, was examined and testified as follows:

The Clerk: Please state your name. [115]

The Witness: S. Kendall Gibson.

Direct Examination

By Mr. Ritzi:

Q. Mr. Gibson, where were you employed in March of 1946? A. Goodwin Shoe Store in Hollywood.

Q. Do you know the defendant?

A. I have seen him before.

Q. Did the defendant ever come in your store?

A. Yes, sir.

Q. What was the occasion?

A. Do you want me to recite the occasion, what happened when they came in?

Q. Yes; if you would, please.

A. One of the ladies here, one of the women here on the stand, Dorothy McClain is the name she gave, I believe—she came in and she was accompanied by the defendant and another man; and she said that she would like to buy some shoes for her husband who was in camp; and she said that this defendant wore the same size as her husband and that he would try the shoes on, which he proceeded to do, and bought, as I remember, three pair of shoes and a pair of slippers.

Q. Was a check tendered to you for payment? [116]

A. Yes.

Q. Do you recall the amount of that particular check?

A. It was \$280.00 some odd. I remember that.

(Testimony of S. Kendall Gibson)

Q. I will show you Government's Exhibit No. 2 for identification—

By the way, may this go in evidence, if the court please? That is the \$282.50 check. Counsel has stipulated that; although it is only a photostat, it may go in as the original.

The Court: No objection? Exhibit 2 for identification is received into evidence.

Q. By Mr. Ritzi: I show you a check made payable to Lt. Charles A. Wilbun in the sum of \$282.50 and ask you if that was the check that was tendered to you in payment of the shoes? A. Yes, sir.

Q. I show you also a slip made out by the Goodwin Shoe Company or made out in the name of the Goodwin Shoe Company for a purchase. Have you ever seen that before? A. I made this check out.

Q. What is it? Does that cover the purchase at that time? A. That covers the purchase of—

The Court: Is that document identified here?

Mr. Ritzi: I think it is, your Honor. It is Government's Exhibit No. 5. I believe it was for identification. [117]

The Court: According to my notice, Exhibit 5 is in evidence, the sales slip.

Mr. Ritzi: Yes; it is Exhibit 5. Apparently it is in evidence, your Honor.

Q. Is that the sales slip that covered that particular purchase? A. Yes, sir.

Q. I show you a pair of shoes and ask if you can identify those particular shoes?

The Court: Is that Exhibit 3 for identification?

The Clerk: Yes, your Honor.

(Testimony of S. Kendall Gibson)

Mr. Ritzi: It is marked here No. 5 in evidence, your Honor.

The Clerk: It should be 3 for identification.

The Court: I just wanted the record to show what pair of shoes you were speaking about.

Mr. Ritzi: Yes, your Honor.

A. Yes; that is the pair of shoes that is designated by this sales slip here, 101 10C.

Q. Is this the pair of shoes that was tried on the defendant at that time?

A. Well, I couldn't say as to that. I mean they are exactly the same size and the pair of shoes that the woman purchased at the time.

Q. Is that the same pair of shoes as shown by the [118] sales slip? A. Yes.

Q. Was this check endorsed in your presence?

A. Yes, sir.

Q. Do you recall? A. Yes, sir.

Q. "This check" I mean it is the Wilbun check for \$282.50. A. It was.

The Court: That is Exhibit 2?

Mr. Ritzi: Yes.

Q. Who endorsed this check?

A. That woman that was on the stand here. I believe her name was Dorothy something, Dorothy McClear—what was her name, Dorothy McClear?

Q. Dorothy McClain.

A. McClain, yes. I forgot her name.

Q. And when you cashed this particular check for her for this purchase what was done with the rest of the money or the change; was that given to her?

A. That was given to her.

(Testimony of S. Kendall Gibson)

Q. By the way, you were what in that store at that time; were you a salesman or the manager?

A. I was the manager at that time.

Mr. Ritzi: I think that is all. [119]

The Court: We will take the afternoon recess at this time. You may step down.

(Short recess.)

Mr. Ritzi: If the court please, the Government moves that No. 3 for identification, which happens to be these shoes, be received into evidence.

Mr. Entenza: I have no objection.

The Court: Exhibit 3 for identification is received into evidence.

Q. By Mr. Ritzi: Mr. Gibson, those particular shoes were fitted to the defendant at that time did you state?

A. Yes, sir.

Mr. Ritzi: I think that is all with Mr. Gibson, your Honor.

Cross Examination

By Mr. Entenza:

Q. Mr. Gibson, how many people were in the store on that day, as you recall, connected with this party that made the purchase of those shoes?

A. I wouldn't have the slightest idea.

Q. Do you remember if there were two?

A. Oh, we had a number of people in the store.

Q. Well, I did not mean the entire custom group that you had in there, but in this party that had the \$280.00 some odd check? [120]

A. A party of three.

(Testimony of S. Kendall Gibson)

Q. A party of three? A. Yes.

Q. Two women and one man, or two men and one woman? A. Two men and one woman.

Q. Do you recognize this defendant as being one of the men? A. I do.

Q. This was the man, was it not, that tried the shoes on? A. It was.

Q. And did the other one try the shoes on, too? A. Yes.

Q. Both parties tried shoes on. Did you say "yes"? A. Yes. Yes, sir.

Q. Do you have ladies' and gentlemen's shoes in that store? A. No ladies.

Q. No ladies' shoes? A. No.

Q. So the ladies tried no shoes on. They were seated there, were they? A. One lady was seated.

Q. One lady was seated there while the two men tried shoes, is that right? [121] A. Right.

Q. Did you help serve them? A. I did, sir.

Q. And did you have another employee also serving them? A. No.

Q. You took charge of both customers on this occasion? A. That is right.

Q. He tried on several pair of shoes and among them was this suede and some other kind of shoes, leather shoes?

A. That is right.

Q. When the shoes were found satisfactory to both buyers, do you remember of wrapping them up in a package?

A. Yes; they were wrapped in a package and delivered—two packages.

(Testimony of S. Kendall Gibson)

Q. Two packages? A. Yes.

Q. One package being given to one party and the other package being given to the other?

A. Yes; that is right.

Q. Do you remember a conversation being carried on at the time of the trying on, any conversation that you recall?

A. Nothing further than I have already stated. Would you like me to repeat that? [122]

Q. No; it is not necessary. I remember that. I thought possibly I could recall to your mind the fact that one of them said, "I will pay you back," or "I will pay you for these shoes as soon as we have an opportunity"?

A. Now that you bring it up, I can verify that to this extent: The defendant here, the woman purchased the shoes for him, as far as I knew.

Q. Yes.

A. And after the purchase had been consummated, I saw this other man that was there wanted a pair of shoes like this pair of shoes entered here in evidence, the suede shoes, and he was the one that made the remark that if she would buy them for him he would pay her back.

Q. Do you remember what her answer was?

A. Well, it seemed like she was arguing about it a little bit, but she did so. Apparently she paid for the shoes, anyway.

Q. After the shoes had been wrapped up and turned over to the respective buyers in respective packages, a check was then tendered to you, or was it tendered to you before? A. No; it was tendered afterwards.

(Testimony of S. Kendall Gibson)

Q. And you, as manager of the store, okayed the check, is that right? A. Yes, sir. [123]

Q. Was it your custom to okay the checks or any of the clerks if they happened to come in contact with the check? A. Yes.

Q. In this instance, you came in contact with it yourself and you okayed it? A. Yes, sir.

Q. And paid the difference to whom?

A. To the woman.

Q. Did you supply her with a pen or a pencil or indelible pencil or something to endorse the check, or do you recall?

A. I do not recall that, whether she used her own pen or a pen of the store there. There was a pen available there.

Q. Have you a place situated so it is very easy and handy for people to sign checks?

A. That is right. But the check was signed right in my presence.

Q. It was signed in your presence; you were standing, watching her sign it at that time? A. That is right.

Q. And she signed the name on it?

A. The name I saw her sign on there was the second name on the check, not the first one.

Q. The second name on the check? [124]

A. Yes, sir.

Q. And that was what name, as you recall now?

A. Gloria Wilbun.

(Testimony of S. Kendall Gibson)

Q. Gloria Wilbun. Did you have to go into the office to make sufficient change?

A. No; the transaction was consummated right at the counter there. We have a wrapping counter with the cash register there.

Q. Do you remember who took the money? Did the woman take the money or the man?

A. The woman took the money and put it in her bag.

Q. Put it in her bag. Did you notice any giving of money on the part of the woman to either one of these men?

A. No, sir.

Q. And that is the last time you have had occasion to see these people?

A. Until today; yes, sir.

Mr. Entenza: That is all.

Mr. Ritzi: That is all.

The Court: You may step down, Mr. Gibson.

Mr. Ritzi: Agent Wells.

JOHN E. WELLS,

called as a witness by plaintiff, being first sworn, was examined and testified as follows: [125]

The Clerk: Please state your name.

The Witness: John E. Wells.

Direct Examination

By Mr. Ritzi:

Q. Mr. Wells, what is your occupation?

A. I am an agent of the U. S. Secret Service, Treasury Department.

Q. How long have you been such an agent?

A. Five years.

(Testimony of John E. Wells)

Q. Were you in charge of the investigation of this particular case? A. I was.

Q. Was it investigated in conjunction with the Post Office Department? A. Yes, sir; it was.

Q. Did you apprehend the defendant?

A. I was one of three agents who apprehended the defendant.

Q. You have seen Government's Exhibit No. 3 in evidence, I believe, which is that pair of shoes. Have you seen those shoes before? A. Yes, sir.

Q. And where?

A. It was on November 6th, the date that we arrested [126] the defendant. He was wearing the shoes at the time.

Q. And at the time of his arrest did the defendant make a statement?

A. He would make no admissions.

Mr. Ritzi: No admissions. That is all.

Mr. Entenza: That is all.

The Court: Step down.

Mr. Ritzi: Now, if the court please, if the Government has neglected to introduce any of these documents heretofore introduced for identification, it moves that they now be introduced. I think they are all in evidence.

The Clerk: My record so shows.

Mr. Ritzi: The clerk's record so shows that they are all in evidence.

The Court: Very well. All the Government exhibits for identification, if not heretofore received, are now received into evidence.

Mr. Ritzi: If the court please, the Government rests.

D E F E N S E

HERMAN ROBERT HAYMAN

the defendant herein, called as a witness in his own behalf, being first sworn, was examined and testified as follows:

The Clerk: Please state your name. [127]

The Witness: Herman Robert Hayman.

Direct Examination

By Mr. Entenza:

Mr. Entenza: Mr. Hayman, speak loud enough for the counsel on the other side of the table from me to hear you. Where do you live?

A. 1535 East 49th Street.

Q. How long have you lived there?

A. About 18 years.

Q. Are you residing with anyone else at that place?

A. With my people; yes.

Q. Are you residing with anyone there, your mother, your father or your children?

A. Yes; my people, my mother and father.

Q. Your people. Your family live there?

A. Yes.

Q. You have listened to the evidence, of course, of the various witnesses the Government has placed upon the stand against you relative to some checks and the passage of those checks, the pointing out of the checks in mail boxes. I ask you to identify these witnesses, if you can. The first witness on the stand was Mrs. Jackson, is that right? A. Yes, sir.

Q. And she testified that you drove around with her [128] to various parts of the city and pointed out mail boxes with Government checks in them, and you

(Testimony of Herman Robert Hayman)

drove further up the street, she got out of the car, went into the mail box and took the check specifically pointed out by you. How do you reconcile that statement against you? A. Well, it is wrong.

Q. If it is wrong—well, that requires a little further answer. How do you mean wrong? Did you drive around with her?

A. No; not to take any checks or anything.

Q. You never drove around with her?

A. Well, I have taken them to San Diego when her husband was there. They, you know, chipped in on the gas to go up there.

Q. You say you took she and her husband with you?

A. Yes.

Q. Did you take she and her husband around on these various trips that she alleges that you drove her to, that is, apartment houses and residences and mail boxes?

A. No; I didn't.

Q. Did you ever at any time point out a check to Mrs. Jackson and have her to get out of your car and pick up that check? A. No.

Q. You are sure about that? [129]

A. I am positive about it.

Q. You are positive about it. And did you give to Mrs. Jackson at any time an identification card by which she might be able to cash certain checks?

A. No; I didn't.

Q. Did you drive her out any place during any of these periods of visitations to liquor stores or otherwise for the purpose of cashing a check?

A. No; not that I can remember. The only time that I have driven Juanita anywhere was to Santa Monica and

(Testimony of Herman Robert Hayman)

to someone she was to see out there somewhere, her people or something.

Q. You drove her to Santa Monica?

A. Once; yes.

Q. Did she cash a check when she went to Santa Monica? A. I don't know.

Q. Where else did you drive her?

A. Well, another time, her husband and her, they went to the show, and several times they went to the show and I have driven.

Q. You drove her around without the husband sometimes, didn't you? A. Yes, sir; I have.

Q. In driving around town with this lady, Mrs. Jackson, do you recall her going into places and cashing [130] checks? A. Not that I know of.

Q. Did she ever show you any checks in her possession? A. She never has.

Q. How far away from your home did Mrs. Jackson live? A. I guess about 16 blocks.

Q. Did you go to school with her? A. I did.

Q. You have known her for a good many years?

A. Yes, sir.

Q. Did you have occasion to go into any mercantile establishment of any kind to make a purchase?

A. With her?

Q. With her, yes. A. No; I haven't.

Q. You never did go into a place with her?

A. Never.

Q. Did you go to San Francisco with her?

A. No.

(Testimony of Herman Robert Hayman)

Q. Did you go to San Diego?

A. To San Diego, yes.

Q. And on that occasion it was just a social trip, was it?

A. Yes.

Q. Did she seem to have money? [131]

A. Well, she and her husband did. I didn't see her with any.

Q. Some of these times, I believe you have testified that you drove around with her without her husband?

A. Yes; I said that I have.

Q. Well, did she give you any money for driving her around?

A. Well, she did that time I went to Santa Monica. Well, she bought me 10 gallons of gas.

Q. Bought you 10 gallons of gas. Did she give you any currency?

A. No; not then.

Q. Did she give you any currency on any other occasion?

A. Oh, to Val Verde one time. Well, her and her husband paid me \$5.00 for taking them to Val Verde one time.

Q. Where is her husband now?

A. In San Quentin.

Q. And did she make the payment to you or did he make the payment to you?

A. I think she had the money. She did.

Q. Did you drive them around in the car that has been identified as the Buick car or the Mercury?

A. The Buick.

Q. The Buick car. Did that belong to you?

A. My mother and I. [132]

(Testimony of Herman Robert Hayman)

Q. Family car, was it? A. Yes; it is.

Q. Do you remember the year the car was made?
Its model was what? A. '42.

Q. 1942. Did you meet them very frequently and
drive them around? A. No; I didn't.

Q. Did you meet her very frequently? A. No.

Q. Did you know what her name was before she was
married? A. I think it was Anderson.

Q. And did you go around with her socially at that
time? A. No; I didn't.

Q. Where did she live? A. Then?

Q. Well, at any time during this last year.

A. Well, I don't exactly know her address, but it is
on 55th. One house is on 55th near Holmes, and the
other house is on—

Q. She testified that you went into her house quite
frequently and brought some checks. Did you ever bring
any checks to her home? [133] A. No.

Q. Or take any checks to her home? A. No.

Q. Did she ever come out to your automobile and find
any checks? A. No.

Q. You mean to tell me, then, that you had no checks
at any time? A. No.

Q. These Government checks? A. No.

Q. And you deny, then, that you pointed out any mail
box checks that had been deposited there by someone and
allowed the girls to take them, is that right?

A. Yes. I—yes.

Q. Did you ever sign your name on the back of any
of these checks? A. No; I never.

(Testimony of Herman Robert Hayman)

Q. Did you sign your name anywhere else?

A. No; I haven't.

Q. Where it had to do with cashing a check, either a Government check or a private check? A. No.

Q. How old are you? A. 23. [134]

Q. You knew the other girl, didn't you? You knew the other girls that testified? A. Dorothy, yes.

Q. You knew Dorothy? A. Yes.

Q. How long have you known her?

A. Oh, about a year, a year and a half, something like that.

Q. She also testified that you pointed out checks to her and she got out of your car, picked checks up and cashed them and gave you part of the money.

A. Yes.

Q. Or at least, gave you all the money and you gave back part of it. You remember that evidence, don't you?

A. I remember that. It is not true.

Q. Is it true? A. No; it is not true.

Q. You never pointed checks out to that girl Dorothy?

A. No; I haven't.

Q. Never in your life? A. No.

Q. All the time that you knew her?

A. All the time that I knew her I haven't.

Q. Did you know anything about the fact that she did have many checks in her possession? [135]

A. Well, I heard something about it a little before she got picked up, and she had some sort of idea that I had told someone that she was doing checks or something.

(Testimony of Herman Robert Hayman)

Q. She had an idea that you told somebody about it?

A. Well, because she come and asked me. She said, "I thought you were pretty dirty for it." I said, "I don't know nothing about it." She said, "You are not smart. I heard that you told some officers or something that I was forging checks."

I said, "What would I want to tell anyone that for?" So, since then, why, she has been acting funny. I guess she still thinks that I told. I didn't know anything to tell. I said, "So how would I know anything?" She said, "This certain person." I wouldn't call any names. She seemed to think that he had told me about it.

Q. Did she ever give you any money?

A. Well, to take her places; yes.

Q. Well, how much money did she give you?

A. Well, enough to buy gas, five gallons of gas or ten gallons of gas.

Q. Would that be very frequently?

A. No; it wouldn't.

Q. Did you go out at night with her?

A. I went to the—I have went out with her to a party, her and her boy friends. [136]

Q. She had a boy friend? A. Several.

Q. Would you take the boy friend out, too?

A. Oh, yes; he would go.

Q. Did you go to some cafes?

A. No; we went to a house-party.

Q. Now, you testify that you never gave that girl any money, is that right?

A. Never gave Dorothy any money?

Q. Yes. A. No.

(Testimony of Herman Robert Hayman)

Q. Did you drive her up to a place to cash a check?

A. Once she cashed a check that I know of.

Q. Did she ever show you the check that she cashed?

A. No.

Q. Of the many checks that she had?

A. She never showed it to me, because she told me "to wait here a minute," and that day there was some money missing out of my car. I had about \$35.00 in my billfold and I put it in my glove compartment and locked the glove compartment. So I went in a place and when I came out the keys was still in my car. I guess she had taken it out. She made out like she hadn't. Her and I was arguing about it. She said, "Just take me on down." I said, "Okay." We were still arguing and she said, "Wait for me." And I said, [137] "Heck with you." So I went on. That evening she got picked up, which is the time she forged that check. So that is how I knew that she had forged the check, when she got picked up on that.

Q. She gave you some money then, did she?

A. No. She was in jail. They picked her up.

Q. Oh, she got in jail? A. Yes.

Q. And they claimed that you had told the officers something about she having checks in her possession?

A. I guess she has.

Q. Well, was this transaction after you had heard about she having checks and passing checks around town, or did you hear that she was passing checks around town?

A. Well, afterwards.

Q. That was after that?

A. Yes; after she had gotten picked up.

(Testimony of Herman Robert Hayman)

Q. There is some testimony here that you went into a liquor place and bought some Scotch liquor and tendered a \$100.00 check.

A. I have cashed a check in that liquor store before; yes.

Q. You cashed a check in that liquor store?

A. Yes; I have.

Q. What check? [138]

A. My own check from the Kirkhill Rubber Company.

Q. You made purchase of liquor on that check, did you?

A. Yes, sir.

Q. On the personal check that you had?

A. Yes; it was, but it was not Scotch because I don't like Scotch.

Q. Then he was lying about the purchase of the Scotch?

A. Yes, sir.

Q. And you did not tender a \$100.00 check to him at any time, did you?

A. No. The check was 70 something or, I think, \$74.00.

Q. \$74.00 was the check that you tendered to him?

A. Yes.

Q. And that was a check that you received from the rubber company where you were employed, is that right?

A. Yes. It was the Kirkhill Rubber Company.

Q. Had you been employed there a long time?

A. About a year and six months.

Q. About a year and six months?

A. Yes.

Q. Employed quite steadily, were you?

A. I was.

(Testimony of Herman Robert Hayman)

Q. Did you work day or did you work nights? [139]

A. Day.

Q. You worked day time. The testimony of one witness was that she went out to the factory and met you in the automobile. Do you recall that time?

A. I recall Dorothy coming to the factory.

Q. Dorothy coming to the factory and meeting you on that occasion?

A. Yes, sir.

Q. Do you remember whether or not she cashed any checks on that occasion?

A. No. That was to look for one of her boy friends. Him and her had had some trouble and she wanted me to go around and look for him, you see. So I told her I couldn't, which I couldn't, because I had a dinner engagement that night, so I couldn't take her.

Q. You can't remember of ever having pointed any mail box out to any of these girls that testified against you this morning, can you?

A. No; I know that I haven't.

Q. You heard the testimony of the boy, the 18-year old boy—and what is his name, by the way?

A. Paul Redd, Junior something.

Q. Do you know Redd very well?

A. I know him; yes, sir.

Q. Known him a long time? [140]

A. Quite some time.

Q. Did you meet him on the corner?

A. No; I had never met him.

Q. Did you give him some checks to cash?

A. No.

(Testimony of Herman Robert Hayman)

Q. Never gave him a check in your life?

A. No. I knew his family well. As far as the trip that—yes; I know his family real well. The way he talks, as if I barely knew him.

Q. He testified that you met him on several occasions and you promised to give him \$15.00 or \$20.00, and on another occasion you would bring him \$15.00 or \$20.00, meeting him at a corner.

A. The reason he says that, because he had heard that I had put out that he had forged some checks, and he didn't like it at all, what I had told about him. And he said that I had talked about Juanita doing checks, and Chestine, but I was going to have him go to jail. He said if it was like that, I was going to jail with him, since I was dirty enough to say something like that about him. So he said he would fix me, that he would have me do some time with him for telling them some kind of a story like that.

Q. Did he tell you that very recently?

A. He told me that in the evening yesterday.

Q. He said he was going to put you in jail; if he went to jail, you were going to jail? [141]

A. Yes.

Q. There is some testimony here, further, that he had known you since 1945. Had you known him that long?

A. Yes, sir.

Q. And you had no money dealings or check dealings with him in your life?

A. Yes; I have had money dealings with him.

Q. You gave him money sometimes?

A. He gave me money.

Q. He gave you money?

A. Yes.

(Testimony of Herman Robert Hayman)

Q. On what occasion was that?

A. Well, I had a Ford car and he bought it from me.

Q. He bought a Ford car from you? A. Yes.

Q. And that is where the exchange of the money took place? A. Yes, sir.

Q. How long ago was that?

A. About four weeks ago.

Q. About four weeks ago. Do you two live very far apart? A. About nine blocks.

Q. About nine blocks apart? A. Yes. [142]

Q. During this year and a half or more since 1945 you have met him quite frequently, is that right?

A. No; I haven't.

Q. You never took him along on these rides with these women, did you?

A. He went to San Diego, with his mother's permission.

Q. Did you take any of these girls any other place in the State of California than San Diego? I am talking about the girls who testified against you now?

A. No; I haven't.

Q. And you have never—you repeat that you have never given them a check nor pointed out a check to them in your life? A. I know that I haven't.

Q. And you know something about the evidence here relative to a pair of shoes?

A. Yes; I know about that.

Q. You must remember what the shoe man Gibson said, don't you? A. Yes; I know about the shoes.

Q. You know about the shoes? A. Yes.

(Testimony of Herman Robert Hayman)

Q. Well, that is worthy of explanation. How did you get hold of the shoes?

A. Well, Dorothy called me to take her to Hollywood. [143] First, she wanted a dress, so I taken her, and I just parked my car and let her go over there and get the dress, but she didn't get one.

Q. She was going over to get a dress?

A. Yes; and something happened. I don't know what it was. Her and this other fellow went over to get the dress. So I was looking at the shoes in the shoe store. So then they came over there and I showed the other boy the shoes and asked him how did he like them. He said he liked them. So we went in and I said, "I sure would like to have a pair of shoes like that." So she—

Q. Suppose you take your hand down from your mouth now and give us a clear picture.

A. She said—she asked me did I like them. I said, "Yes." She said, "Do you want a pair?" I said, "Well, sure." So I said, "Why did you ask me for?" She said, "Well, do you want them?" I said, "Yes." She said, "Well, I will get them for you." I said, "You are not going to get me a pair of shoes?" She said, "Yes; I am getting you a pair of shoes." I said, "Yes."

I was wondering then what in the heck was wrong with her being so good. So we went in. I tried on one pair of shoes and I didn't like them. I tried on another pair of shoes and I came across a pair that they had and I liked those best. [144]

Q. Shall I show you these shoes and see whether or not you recognize them? I think it is No. 4.

Mr. Ritzi: 3.

(Testimony of Herman Robert Hayman)

Q. By Mr. Entenza: Do you recall trying those shoes on?
A. Yes; those are the ones.

Q. Do you recall having them taken off of your feet by the officers?
A. Yes; they are the ones.

Q. Did you announce to the officers at that time how you came into possession of these shoes?

A. No. I told them—I admitted getting them.

Q. You admitted buying the shoes in the place, or someone buying them for you?

A. I didn't say who. I said they were gotten there.

Q. They were gotten in this place in Hollywood, is that right?
A. That is what I told them.

Q. You do not deny that you were in that store at the time?
A. No.

Q. The girl had a check and purchased the shoes for you and another young man?

A. Yes. I got the pair of shoes I wanted and he was trying on some slippers or something. I had to make a phone [145] call. I went out of the store and made the phone call. When I went to go back to the store they were in the car, you know. I could see them, so I went back to my car.

Q. You were not in the store when the cash transaction took place?
A. No.

Q. Or the change of the check?
A. No.

Q. No place on that appears in your handwriting?

A. No.

Q. You do not know anything about what amount of money she received back?
A. No; I didn't see her.

(Testimony of Herman Robert Hayman)

Q. And you don't know what size check she gave to Mr. Gibson?

A. No; I wouldn't have no way of knowing.

Q. You don't know anything about it? A. No.

Q. You had your shoes, you got into your automobile and put your shoes in a box, is that right? A. Yes.

Q. Where did you go from there?

A. Taken them home.

Q. You took them home? A. Yes. [146]

Q. Did they give you any money?

A. No; nothing but the money for the gas that was bought.

Q. The boy or the girl gave you no money, is that right? A. No.

Q. What time was this if you recall?

A. I don't remember.

Q. Was it in the afternoon, daylight, or was it in the evening, early evening?

A. It must have been in the evening.

Q. Well, you should have remembered. It was a pair of shoes she gave to you. You had already expressed yourself as being surprised that they were so liberal. I would assume you would remember that.

A. The reason I said it must have been in the evening was because my father was home when I got there and he works in the day.

Q. Then you identify it as being in the evening.

A. Yes.

Q. Well, was it a working day during the week?

A. I don't know.

(Testimony of Herman Robert Hayman)

Q. Were you off of employment at that time?

A. No. If it was the work day, it would have to be after four, after I got out. [147]

Q. After 4:00 o'clock? A. Yes.

Q. That was the time you ceased work, was that right?

A. Yes.

Q. And that place was the rubber company that has been mentioned here in evidence?

A. Yes; that is right.

Q. The cashing of these checks, that seems to be the question here that is very interesting. I wonder what check that is; is that one of the exhibits there?

A. This Thompson check for \$100.00.

Q. Do you recall anything about this check or any other check—any check that you know of the Treasury of the United States? A. No; I don't.

Q. Did you ever tear one of those envelopes open and take a check out and give it to the girls to cash?

A. No; I haven't.

Q. Then you did not have a lot of girls working for you, as have been supported here by some of the witnesses? A. No; I haven't.

Q. You are a married man, are you?

A. Yes; I am.

Q. Have a family? A. Yes. [148]

Q. Had nothing to do with these checks at any time?

A. No; I haven't.

Q. What you are testifying to here, of course, under oath, is supposed to be the truth and I wouldn't want you to testify other than telling the truth. I would say, for the benefit of counsel and the court, that I would ap-

(Testimony of Herman Robert Hayman)

preciate it if you would tell the absolute truth about this check transaction, if you know anything about it at all, any of these checks in the hands of any of these girls in check-cashing offices of the City of Los Angeles, in liquor stores, as has been testified here, and other mercantile establishments where checks have been cashed. The girls testified that you drove there, you placed your car in a parking lot, in some instances you parked it along the sidewalk and stayed there until they went in, on some occasions you went in yourself. Now, tell us the truth of that; did that really occur at any time?

A. No; it didn't.

Q. Did you ever go into any of the places these girls designated as having been the places that they cashed checks? Were you ever in there?

A. No.

Q. You do not remember having seen any of these girls cash any of these checks that have been placed in evidence here? [149]

A. No; I don't remember seeing them.

Q. I think there are four of them altogether.

A. No.

Q. You know nothing about these at all?

A. No; I don't.

Q. The check that you cashed in the liquor house was for how much money, do you recall? When you bought the liquor, and not the Scotch, you testified, did you say \$74.00?

A. I think it was.

Q. Was that a double week's pay?

A. For two weeks' pay.

Q. Or was that a week's pay?

A. For two weeks.

(Testimony of Herman Robert Hayman)

Q. For two weeks? A. Yes.

Q. You had been in there many times in that liquor store, had you not? A. No.

Q. Did he ever ask you to endorse a check in there, the rubber check that you had for \$74.00; that was endorsed by you because it was made out to you?

A. Well, I had to endorse it in there.

Q. You had to endorse it?

A. Yes. He had a pen and everything in there. [150]

Q. He gave you a pen and everything, and you endorsed the check in his liquor establishment and you went out and took along the liquor?

A. He either gave me a pen or a pencil.

Q. On that occasion, of course, you remember about him cashing the check in there. And do you know where the place is? Do you know where the location of that liquor place happens to be?

A. He stated it was on San Pedro. Was it San Pedro?

Q. Well, I am asking you. I am wondering whether or not you remember the place. You said you had been there two or three times. A. On San Pedro.

Q. San Pedro. Did you recognize the man who testified against you this afternoon?

A. Yes; I recognized him.

Q. He is the man that cashed your check and sold you the liquor?

A. Well, him and his wife, both, was there. I guess it was his wife. They both was there when I cashed it.

Q. He had a lady in the liquor store at the same time?

A. Yes.

(Testimony of Herman Robert Hayman)

Q. And that was the event that you told the police officer, was it not, Mr. Wells and others?

A. Yes. [151]

Q. You told them the story just about as you have told it to me? A. I told them. I told them.

Q. You told them that you never had anything to do with these checks, and neither did you point out any place for these girls to steal checks? A. No.

Q. You never cashed one of these checks in your life yourself? A. No.

Q. No one ever found any of these checks on your person or in your automobile? A. No.

Q. Or in your home? A. No.

Q. And your home was searched, is that right?

A. Just about tore up.

Q. You have had nothing to do with getting these girls together in a conspiracy to defraud these various people who had the checks in mail boxes by pointing the mail boxes out? A. No, sir.

Q. You don't know anything about how the checks got into the mail boxes if they got the checks out of there at all themselves, do you? [152]

A. No. And another statement the girl made. How would I know the check was in the mail box and tell them where to go? I am no mind reader. I wouldn't know. I have no way of knowing a check is inside a mail box. How would I know?

Q. I rather agree with you, but, nevertheless, that is the testimony against you; and they claim that you pointed out these mail boxes, and in some instances you drove direct, in most instances you drove at random

(Testimony of Herman Robert Hayman)

around the neighborhood. You do not know, then, why these girls gave the testimony they did?

A. I have an idea why Juanita did, because she thought I was trying to fix some other girl with her husband.

Q. Then this is a complicated matter with which the court is not particularly interested.

A. What I mean, you stated was there any reason.

Q. I am to blame for that myself in asking that question, probably. And that is your idea, that there is a little revenge against you, is that right?

A. Yes; there was. I am a witness to it.

Q. Did you ever go to school? A. Yes; I did.

Q. You are a graduate from high school?

A. Yes, sir.

Q. Lived in Los Angeles all this time? [153]

A. Yes; I have.

Q. Did you ever talk with Mr. Wells about this case?

A. Yes; I guess I talked to him.

Q. And other Federal officers, did you?

A. Yes; I have.

Q. You have told them that you had nothing to do with the passing of checks, is that right?

A. Yes; I told them that.

Q. They tried to identify your handwriting, did they, and you did give copies of your handwriting to them?

A. Yes.

Q. You have cooperated to that point and you have had handwriting experts to look at the signatures corresponding with your various letters and found that you had signed no checks, is that right? A. Yes.

Mr. Entenza: That is all.

(Testimony of Herman Robert Hayman)

Cross Examination

By Mr. Ritzi:

Q. You say you gave agents of the Secret Service your handwriting? A. Gave what?

Q. You said you gave agents of the Secret Service examples of your handwriting? [154]

A. Well, some of them. I thought they all was Secret Service. On some of those calls out there I gave my handwriting.

Q. You say you did give them samples of your handwriting? A. Yes, sir.

Q. The fact of the matter is you have been mixed up previously in some checks, haven't you?

A. Yes; and it still was not my handwriting.

Q. You have been previously convicted of uttering and forging checks, haven't you? A. Yes; I have.

Q. And the fact of the matter is that these particular identification cards you got printed in a little print shop in Main Street, between Third and Fourth Streets?

A. Dorothy got those cards printed.

Q. Dorothy got those cards printed? A. Yes.

Q. You did not go down and ask the man down there to print those cards?

A. She called me in the place. She asked me for some money. She asked me for some money to get the cards out, so I was asking her what she is getting all the cards for. She said it was for her club; that they was having a girls' club and they wanted the cards; and she even told [155] the fellow that. So she asked me to loan her some money and I didn't have no money at the time.

(Testimony of Herman Robert Hayman)

Q. Where was this store, now, exactly on Main Street? A. I wouldn't know. I can't remember.

Q. Oh, you don't remember where it was?

A. No.

Q. This position that you had, you were fired from that position out there at the Kirkhill Rubber Company?

A. Yes, sir.

Q. Isn't that correct; and the reason you were fired was because you took too much time off during the day time, wasn't it? A. No; it wasn't.

Q. What was your position out there?

A. I was a truck driver.

Q. You were a delivery boy in your automobile, delivering parcels; isn't that a fact? A. Yes.

Q. Isn't that true? A. Sometimes.

Q. So that you had quite a bit of time during the day time to contact these various girls?

A. No; I didn't, because the only time I used my car was when I got ready to go home and I would take the mail then.

Q. You were out at the plant a great deal during the [156] day time?

A. Yes; with someone on the truck with me. Another fellow was on the truck.

Q. You used the car in delivering parcels also, didn't you?

A. Not until after 4:30. I never delivered mail in my car until after 4:30.

Q. Now, let us get back to this shoe store deal. You say that only this one pair of shoes was fitted to you at the shoe store? A. No. I tried several pair.

(Testimony of Herman Robert Hayman)

Q. The fact is you bought all of the shoes, didn't you, or had them all bought? A. No; I didn't.

Q. They were all the same size, weren't they?

A. They could have all been the same size, as far as I know. The other boy is probably the same size.

Q. The fact of the matter is the other boy had a size 9C and you purchased three pairs of shoes with a size 10C; isn't that correct? A. 9C and 10C?

Q. Yes. I will show you this slip. The slip shows three 10C's, which is the same size as those shoes down there?

The Court: By "those shoes down there," you are re- [157] ferring to Exhibit 3?

Mr. Ritzi: Exhibit 3, your Honor.

Now, the fact of the matter is you bought all of the three pair of those 10C's? A. I didn't buy any.

Q. Oh, you didn't buy any?

A. The girl bought them.

Q. Bought them for you?

A. No; she didn't buy them for me.

Q. Who were they bought for?

A. Well, I guess her boy friend or someone. They wasn't bought for me.

Q. This pair of shoes here is yours, isn't it?

A. Yes.

Q. These shoes were bought out at the Goodwin Shoe Company?

A. That one pair was bought for me. She gave them to me, that one pair.

Q. Her boy friend also had size 10C, then?

A. He could have.

(Testimony of Herman Robert Hayman)

Q. You tried on all the pairs of shoes, didn't you?

A. I tried on several shoes.

Q. It wasn't three pairs you took; you took one pair?

A. I didn't take any out at the store.

Q. All of the shoes that were fitted to you and that [158] fitted you, you took; isn't that a fact?

A. No.

Q. The fact of the matter is, also, you never left the store?

A. Yes; I did.

Q. Why did you leave the store?

A. I had to make a phone call.

Q. And the fact is that there are two public telephones in the shoe store, isn't there?

A. It could have been. I don't know.

Q. Didn't you see them? A. No.

Q. Weren't they in plain sight?

A. I didn't see them. I saw one phone. It was the phone at the desk, but I didn't see any other one.

Q. That was not a public phone? A. No.

Q. And the fact is, further, that all of you left the store at the same time, is it not? A. No.

Q. That is not true? A. No.

Q. By the way, how much were you earning out there at the Kirkhill Rubber Company a month?

A. Oh, sometimes it averaged from—well, some [159] checks was \$74.00 and I have had checks for \$80.00 some odd dollars.

Q. A month? A. No; for every two weeks.

Q. So that means you made about, we will say, \$150.00 a month out there, your average? A. Yes, or more.

(Testimony of Herman Robert Hayman)

Q. Less your social security tax, etc.; maybe it was \$135.00 a month?

A. No; I have made more than that. You see, I had overtime also.

Q. So your company check averaged about \$150.00 a month?

A. I couldn't tell that.

Q. Well, that check you cashed at the Martin Liquor Store, you claim you cashed for \$70.00 some dollars; that was for two weeks' pay?

A. Yes, sir.

Q. So then, that will be \$148.00 a month?

A. But I mean you couldn't add up what I made a month by that check, because I told you my checks varied.

Q. How much did you pay on your automobile a month?

A. \$113.00.

Q. \$113.00 out of a salary of about \$150.00?

A. It was the family's car. My mother helped pay [160] for it.

Q. You were to make the payment on it; isn't that a fact?

A. We both were.

Q. And isn't it a fact that you told Dorothy McClain that you were averaging over \$900.00 a week in the theft of these checks?

A. You asked her that and she told you no.

Q. Or was it Juanita Jackson you told it to?

A. It was neither one.

Mr. Ritzi: I think that is all, your Honor.

Mr. Entenza: That is all.

The Court: You may step down.

Mr. Ritzi: I will call Mr. Gibson again, please.

The Court: Has defendant rested?

Mr. Entenza: Defendant rests.

S. KENDALL GIBSON (Recalled),

recalled as a witness by plaintiff in rebuttal, having been previously duly sworn, was examined and testified as follows:

Direct Examination

By Mr. Ritzi:

Mr. Ritzi: Mr. Gibson, you have been previously sworn.

Q. Are there two telephones in the Goodwin Shoe [161] Company? A. Yes, sir.

Q. Are they public phones?

A. One is a pay station and the other is a phone that is used by the public.

Q. Are they in plain view?

A. Yes; all three of them.

Q. Were all of these shoes fitted to the defendant, these three sized 10C's? A. They were.

Q. And did the defendant at any time during the purchase of these shoes leave the store?

A. Not to my knowledge. I didn't see him while the shoes were being wrapped up, but he carried them out of the store.

Q. He carried them out of the store. And did all of the individuals leave together or did he leave first?

A. They left together.

Mr. Ritzi: They left together. That is all. That is all, your Honor.

The Court: Both sides rest?

Mr. Entenza: The defendant has rested, if the court please, and I take it the Government has closed its case.

Mr. Ritzi: That is correct, your Honor. Does the court care for argument? [162]

The Court: Do you wish to argue the matter, gentlemen?

Mr. Ritzi: Does the court desire argument?

The Court: I will hear from the defendant, if you have anything to say, Mr. Entenza.

Mr. Entenza: I do not feel as though I am capable of doing much arguing in this case, some way or another, with the array of evidence against the defendant and my case resting solely upon his word. The court is able to perceive from his actions as to whether or not he thinks the evidence supports the charge.

I will waive argument if the Government waives argument.

Mr. Ritzi: I will waive argument, if the court please.

The Court: Very well, gentlemen. The waiver of the jury which has been signed also covers the waiver of any special findings of fact?

Mr. Ritzi: Yes, your Honor.

The Court: As to count 1 of the indictment the court finds the defendant guilty as charged; as to count 2, the court finds the defendant guilty as charged; as to count 3, the court finds the defendant guilty as charged; as to count 4, the court finds the defendant guilty as charged. The court finds the defendant guilty as charged in count 5 of the indictment. The count finds the defendant guilty as charged in count 6 of the indictment.

The defendant is ordered committed to the custody of the marshal pending sentence. I will refer this case to [163] the probation officer for pre-sentence investigation and report, and continue the matter for a hearing of that report and sentence until January 20th at 1:30.

The probation officer's report will be in the hands of the clerk on the Friday preceding the sentence, where counsel for either side may examine it.

Mr. Entenza: Do I understand, if the court please, 1:30?

The Court: On the 20th.

Mr. Entenza: On the 20th of January, sentence will be imposed after having heard the report?

The Court: Yes, sir.

(Further proceedings in this matter were continued until Monday, January 20, 1947, at 1:30 p.m.) [164]

Los Angeles, California, Monday, January 20, 1947, 1:30 P.M.

(Case called by the clerk.)

The Court: Herman Hayman, you stand before the court for sentence for the offenses charged in six counts of the indictment, of which you have been found guilty after trial by the court. For the offense charged in count 1 of which you have been convicted the maximum punishment is 10 years imprisonment and fine of \$5,000; in counts 2, 3, 4, and 5 the maximum punishment is 10 years imprisonment and a fine of \$1,000 on each count. Count 6, the maximum sentence is two years imprisonment and fine of \$10,000. What have you to say as to why the maximum sentence should not be imposed upon you in this case?

The Defendant: I have two kids and my wife. She is pregnant, going to have another kid, and I would like to look after her, you know, and take care of my family.

The Court: What is the attitude of the Government?

Mr. Ritzi: If the court please, I have conferred several times with the Post Office authorities and members of the Secret Service concerning this particular case. It

is not necessary to review the facts because the matter was tried before your Honor. You saw the evidence, or saw much of it.

The Post Office authorities have worked on this case [166] for months; so has the United States Secret Service. It has been estimated that the Government—or that this defendant, rather, had stolen over 200 checks; that he has gotten somewhere between \$20,000 and \$30,000 out of these checks, and those are only Government checks.

The Court: Were those checks to veterans?

Mr. Ritzi: I think that some of them were veterans' checks, some of them were probably family allowances, and some of them were refunds on income tax returns, etc.

But the Secret Service tells me that this is the largest individual case they have had out here in years. Not only that, but this defendant has gotten numerous girls, into this thing—Dorothy McClain and Juanita Jackson, who testified here before your Honor. Juanita was just given 10 years for her part in this by Judge Hall. Dorothy McClain, I don't think she has come up for sentence yet. Chestine Thomas was just given five years for the defendant giving her those checks to forge. Ethel Delaney was just picked up in Detroit. She is going to be brought out here for prosecution. Paul Redd who testified here, we have not determined yet what to do with him. Frankly, I do not think he will be prosecuted. And Jerry Healey, I think his name is, was just given three years.

All of these were individuals who went into this thing because of the prompting of this particular defendant. There [167] are three or four other individuals involved, too. They will ultimately be apprehended and brought before the court if possible. One of the girls who is here

came down from Tehachapi to testify. She was given one to 14 years in the State court because of the one check that this defendant has given her.

Frankly, your Honor, I think the case is unusually serious and I most heartily return a recommendation that the probation be not considered.

The Court: Anything further?

Mr. Entenza: Counsel has nothing to say, if the court please. I believe the statement of the probation officer rather explained the case most fully. You will recall, yourself, from the trial of the case the facts set out.

I have no argument to make, your Honor, in behalf of this defendant, other than, as he expressed to the court a moment ago, he has, after all, two children and one coming. I hardly think that that is amply sufficient to really guarantee probation, of course.

The court is well familiar with the evidence, more so than I am. However, I do not think he should be so severely punished, but a sentence ought to be given. We understand that.

The Court: It is the most serious violation of the United States mails that has come to my attention for quite [168] a while. Is there anything further, gentlemen?

Mr. Entenza: Nothing further.

Mr. Ritzi: Nothing, your Honor.

The Court: It is the judgment of the court, Herman Hayman, having been found guilty of the offenses charged in the six counts of the indictment, that you are hereby committed to the custody of the Attorney General of the United States or his authorized representatives for imprisonment for the period of 10 years in an institution to be selected by the Attorney General of the United States for the offense charged in count 1 of the indictment; for

the period of 10 years for the offense charged in count 2 of the indictment; for the period of 10 years for the offense charged in count 3 of the indictment; for the period of 10 years for the offense charged in count 4 of the indictment; for the period of 10 years for the offense charged in count 5 of the indictment.

It is further ordered and adjudged that the 10-year period of imprisonment imposed under counts 1 and 2 shall run consecutively. In other words, you will serve the entire period of imprisonment of 20 years; and that the 10-year period of imprisonment imposed under counts 3, 4, and 5 of the indictment shall commence and run concurrently with the 10-year period imposed under count 2 of the indictment. [169]

It is further ordered that the defendant pay to the United States of America a fine of \$10,000 for the offense charged in count 6 of the indictment and be further imprisoned until such fine is paid or until he shall be discharged as provided by law.

You are now remanded to the custody of the United States Marshal to serve your sentence.

Mr. Ritzi: If the court please, I believe that there is a mandatory fine, isn't there, on those other counts? From a reading of the rather peculiar statutes, it may be necessary to fine him a dollar on each of those other counts. I have not read the statute for some time but I think there is a peculiar wording of it, a mandatory fine.

The Court: Yes; there is a mandatory fine on each of the five counts, the first five counts.

It is the further judgment of the court, Herman Hayman, that as to the offense charged in count 1 of the in-

dictment, in addition to the period of 10 years imprisonment, you shall pay unto the United States of America a fine of \$2,000, and that you be further imprisoned until the fine is paid or until you are otherwise discharged as provided by law;

That for the offense charged in count 2 of the indictment, in addition to the period of 10 years' imprisonment imposed, you are to pay a fine unto the United States of America of \$2,000 and be further imprisoned until such fine is paid or [170] until you are discharged as provided by law.

In addition to the 10-year period of imprisonment imposed under count 3 of the indictment, you shall pay a fine of \$2,000 unto the United States of America and be further imprisoned until the fine is paid or until you are discharged as provided by law.

In addition to the 10-year period of imprisonment imposed under count 4 of the indictment, you shall pay a fine of \$2,000 unto the United States of America and to be further imprisoned until the said fine is paid or until you are discharged as provided by law.

In addition to the 10-year period of imprisonment provided in count 5 heretofore imposed, you shall pay a fine of \$2,000 unto the United States of America and be further imprisoned until the said fine is paid or until you are otherwise discharged as provided by law.

As I stated before, the 10-year period of imprisonment under count 1 and the 10-year period of imprisonment under count 2 are to be served consecutively, so that in all you will serve a 20-year period of imprisonment. The 10-year periods of imprisonment imposed under counts 3,

4, and 5 shall commence and run concurrently with the period of imprisonment imposed under count 2.

The payment of one fine of \$10,000 shall satisfy all fines imposed under all six counts of the indictment.

You are now remanded to the custody of the marshal. [171]

Los Angeles, California, Tuesday, February 18, 1947,
2:00 P.M.

(Case called by the clerk.)

The Court: May I have the name of counsel appearing?

Mr. Ragland: Ragland, E. S., appearing for Walter Gordon.

The Court: Associate attorney at the present time for the attorney representing Herman Hayman, Mr. Ragland?

Mr. Ragland: I am associated with Mr. Gordon at the present time.

The Court: How shall we enter that appearance, now, Walter L. Gordon, Jr., and—

Mr. Ragland: E. S. Ragland.

The Court: —E. S. Ragland.

Has the defendant made a designation, Mr. Clerk?

The Clerk: No; he has not, your Honor.

The Court: You will include both Mr. Gordon's name and your name, Mr. Ragland.

Mr. Ragland: All right, your Honor.

The Court: That is satisfactory to you, Mr. Hayman?

The Defendant: Yes; it is, your Honor.

The Court: Then you will sign the designation.

Herman Hayman, at the time the court sentenced you on January 20th last for the offenses charged in counts 2, 3, 4, and 5 of the indictment, the court imposed upon you a [173] fine of \$2,000, as well as a term of imprisonment under each of those counts. Section 73 of Title 18 of the United States Code provides that, for the offenses charged in those counts 2, 3, 4, and 5 of the indictment, the maximum sentence should be a fine of not more than \$1,000 and imprisonment of not more than 10 years.

The court has ordered you brought back at this time for the purpose of correcting that sentence pursuant to Rule 35 of the Federal Rules of Criminal Procedure.

The court directs that there be entered this day a corrected judgment as follows:

It is ordered and adjudged that the defendant, having been found guilty of the offenses charged in the six counts of the indictment, is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for the period of 10 years in an institution to be selected by the Attorney General of the United States or his authorized representative and pay unto the United States a fine of \$2,000 for the offense charged in count 1 of the indictment; and be further imprisoned for a period of 10 years and to pay unto the United States a fine of \$1,000 for the offense charged in count 2 of the indictment; and be further imprisoned for a period of 10 years and pay unto the United States a fine of \$1,000 for the offense charged in count 3 of the indictment; and be

further imprisoned for [174] a period of 10 years and pay unto the United States a fine of \$1,000 for the offense charged in count 4 of the indictment; and be further imprisoned for a period of 10 years and pay unto the United States a fine of \$1,000 for the offense charged in count 5 of the indictment.

It is further ordered and adjudged that the 10-year periods of imprisonment imposed under count 1 and count 2 of the indictment shall run consecutively and that the 10-year periods of imprisonment imposed under counts 3, 4, and 5 of the indictment shall all commence and run concurrently with the 10-year period of imprisonment imposed under count 2 of the indictment; so that the total period of imprisonment will be 20 years.

It is further ordered that the defendant pay unto the United States a fine of \$10,000 for the offense charged in count 6 of the indictment, and that payment of the total fine of \$10,000 shall fully satisfy all fines imposed under counts 1 to 6, inclusive, of the indictment.

It is further ordered that the defendant be further imprisoned until the fine of \$10,000 is paid or he is otherwise discharged as provided by law.

It is further ordered that this corrected sentence shall supersede the sentence imposed January 20, 1947; that this judgment shall be entered nunc pro tunc as of January 20, 1947, and that all sentences herein imposed shall commence [175] and run from January 20, 1947.

[Endorsed]: Filed Feb. 20, 1947. [176]

[Endorsed]: No. 11530. United States Circuit Court of Appeals for the Ninth Circuit. Herman Hayman, Appellant, vs. United States of America, Appellee. Transcript of Record. Upon Appeal From the District Court of the United States for the Southern District of California, Central Division.

Filed March 7, 1947.

PAUL P. O'BRIEN,

Clerk of the United States Circuit Court of Appeals for
the Ninth Circuit.